THE NATIONAL ARCHIVES

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Washington, Friday, July 4, 1952

TITLE 3—THE PRESIDENT

PROCLAMATION 2980

IMMIGRATION QUOTAS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS under the provisions of section 201 (b) of the Immigration and Nationality Act, the Secretary of State, the Secretary of Commerce, and the Attorney General, jointly, are required to determine the annual quota of any quota area established pursuant to the provisions of section 202 of the said Act, and to report to the President the quota of each quota area so determined; and

WHEREAS the Acting Secretary of State, the Acting Secretary of Commerce, and the Attorney General have reported to the President that in accordance with the duty imposed and the authority conferred upon them by section 201 (b) of the Immigration and Nationality Act, they jointly have made the determination provided for and computed under the provisions of section 201 (a) of the said Act; and have fixed, in accordance therewith, immigration quotas as hereinafter set forth:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, acting under and by virtue of the authority vested in me by the aforesaid Act of Congress, do hereby proclaim and make known that the annual quota of each quota area hereinafter enumerated has been determined in accordance with the law to be, and shall be, as follows:

Area No.	Quota area	Quota
1	Afghanistan	100
2	Albania	100
3	Andorra	100
4	Arabian Peninsula	100
5	Asia-Pacific triangle	100
6	Australia	100
7	Austria	1,405
8	Belgium	1,297
9	Bhutan	100
10	Bulgaria	100
11	Burma	100
12	Cambodia	100
13	Cameroons (trust territory, United Kingdom)	100
14	Cameroun (trust territory, France)	100
15	Ceylon	100
16	China	100
17	Chinese	105
18	Czechoslovakia	2,859
19	Danzig, Free City of	100
20	Denmark	1,175
21	Egypt	100
22	Estonia	115
23	Ethiopia	100
24	Finland	566
25	France	3,069
26	Germany	25,814
27	Great Britain and Northern Ireland	65,361
28	Greece	308
29	Hungary	865
30	Iceland	100
31	India	100
32	Indonesia	100
33	Iran (Persia)	100
34	Iraq	100
35	Ireland (Eire)	17,756
36	Israel	100
37	Italy	5,645
38	Japan	185
39	Jordan	100
40	Korea	100
41	Laos	100
42	Latvia	235
43	Lebanon	100
44	Liberia	100
45	Libya	100
46	Liechtenstein	100
47	Lithuania	384
48	Luxemburg	100
49	Monaco	100
50	Morocco	100
51	Muscat (Oman)	100
52	Nauru (trust territory, Australia)	100
53	Nepal	100
54	Netherlands	3,136
55	New Guinea (trust territory, Australia)	100
56	New Zealand	100
57	Norway	2,364
58	Pacific Islands (trust territory, United States administered)	100
59	Pakistan	100
60	Palestine (Arab Palestine)	100
61	Philippines	6,488
62	Poland	438
63	Portugal	
64	Ruanda-Urundi (trust territory, Belgium)	100
65	Rumania	289
66	Samoa, Western (trust territory, New Zealand)	100
67	San Marino	100
68	Saudi Arabia	100
69	Somaliland (trust territory, Italy)	100
70	South-West Africa (mandate)	100
71	Spain	250
72	Sweden	3,295
73	Switzerland	1,698
74	Syria	100
75	Tanganyika (trust territory, United Kingdom)	100
76	Thailand (Siam)	100
77	Togo (trust territory, France)	100
78	Togoland (trust territory, United Kingdom)	100
79	Trieste, Free Territory of	100
80	Turkey	225
81	Union of South Africa	100
82	Union of Soviet Socialist Republics	2,697
83	Vietnam	100
84	Yemen	100
85	Yugoslavia	933

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

The provision of an immigration quota for any quota area is designed solely for the purposes of the Immigration and Nationality Act and shall not constitute recognition by the United States of the political transfer of territory from one country to another, or recognition of a government not recognized by the United States.

The following proclamations regarding immigration quotas are hereby revoked. Proclamation 2283 of April 28, 1938; Proclamation 2603 of February 8, 1944; Proclamation 2666 of September 28, 1945; Proclamation 2696 of July 4, 1946; Proclamation 2846 of July 27, 1949; and Proclamation 2911 of October 31, 1950.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 30th day of June, in the year of our Lord nineteen hundred and [SEAL] fifty-two, and of the Independence of the United States of America the one hundred and seventy-sixth.

HARRY S. TRUMAN

By the President:

DAVID BRUCE,
Acting Secretary of State.

[F. R. Doc. 52-7412; Filed, July 2, 1952; 1:56 p. m.]

RULES AND REGULATIONS

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

WHITE-FRINGED BEETLE

REGULATED AREAS

On May 14, 1952, there was published in the FEDERAL REGISTER (17 F. R. 4388) a notice of proposed amendment of § 301.72–2 of the regulations supplemental to the quarantine relating to white-fringed beetles (7 CFR Supp., 301.72–2, as amended). After due consideration of all relevant matters presented and pursuant to the authority conferred upon me by section 8 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161), § 301.72–2 is hereby amended in the following respects:

1. All references to Evans and Telfair Counties, Georgia; Bladen County, North Carolina; and Richland County, South Carolina are deleted from the regulated areas designated therein.

2. To the regulated areas in Baldwin, Dallas, Escambia, Mobile, and Monroe Counties, Alabama; Escambia County, Florida; Washington Parish, Louisiana; and Covington, Jones, Perry, Rankin, and Simpson Counties, Mississippi, des-

ignated in § 301.72–2, there are added additional townships, sections, and towns, or parts thereof; and there are added to the regulated areas designated therein certain sections and towns located in Lauderdale County, Mississippi, and Tipton County, Tennessee, so that the regulated areas in such counties and parish read as follows:

ALABAMA

Baldwin County: All of T. 7 S., R. 6 E.; S⅔ T. 7 S., Rs. 4 and 5 E., including all of the town of Foley; secs. 6 and 7, T. 8 S., R. 4 E.; secs. 1, 2, 11, and 12, T. 8 S., R. 3 E.; secs. 35 and 36, T. 7 S., R. 3 E.; secs. 28, 29, 30, 31, 32, and 33, T. 5 S., R. 4 E.; secs. 4, 5, 6, 7, 8, and 9, T. 6 S., R. 4 E.; N½ T. 6 S., R. 3 E., except secs. 6 and 7; S½ T. 5 S., R. 3 E., except secs. 30 and 31; secs. 1, 2, and 3, T. 5 S., R. 2 E.; secs. 25, 26, 27, 34, 35, and 36, T. 4 S., R. 2 E.

Dallas County: That area included within a boundary beginning on the Southern Railroad where it crosses Boguechitto Creek; thence SW along the Southern Railroad to Cain Creek; thence SE along Cain Creek to its intersection with Boguechitto Creek; thence northward along Boguechitto Creek to where it intersects the south line of sec. 5, T. 15 N., R. 8 E.; thence east along the section line to the SE corner, sec. 5, T. 15 N., R. 9 E.; thence north to NE corner sec. 20, T. 16 N., R. 9 E.; thence west to NW corner sec. 24, T. 16 N., R. 8 E.; thence south to SW corner sec. 25, T. 16 N., R. 8 E.; thence west along the section line to its intersection with Boguechitto Creek; thence upstream along Boguechitto Creek to the point of beginning; Tps. 13 and 14 N., R. 11 E.; E½ T. 14 N., R. 10 E., and that area included within a boundary beginning at a point where the south line of sec. 14, T. 16 N., R. 10 E., intersects the Alabama River; thence east to a point where the south line of sec. 14, T. 16 N., R. 11 E., intersects the Alabama River; and thence downstream along the Alabama River to the point of beginning.

Escambia County: Secs. 1, 2, 11, 12, 13, 14, 22, 23, 24, 25, 26, 27, 32, 33, 34, 35, and 36, T. 1 N., R. 8 E.; secs. 33, 34, 35, and 36, T. 1 N., R. 10 E., and area south thereof to the Alabama-Florida State line; secs. 20, 21, 22, 23, 26, 27, 28, 29, 32, 33, 34, and 35, T. 1 N., R. 7 E.; and N½ T. 3 N., Rs. 6 and 7 E.

Mobile County: All that area south of township line which separates T. 1 S. from T. 2 S.

Monroe County: S½ and secs. 1, 2, 11, 12, 13, and 14, T. 5 N., R. 6 E.; E½ T. 6 N., R. 6 E.; T. 6 N., and E½ Tps. 7, 8, 9, and SE¼ T. 10 N., R. 7 E.; Tps. 7, 8, 9, and S½ T. 10 N., R. 8 E.; T. 9 N., and S½ T. 10 N., R. 9 E.; and those parts of Tps. 3 and 4 N., R. 6 E., Tps. 4 and 5 N., R. 7 E., Tps. 5 and 6 N., R. 8 E., Tps. 6, 7, and 8 N., R. 9 E., in Monroe County.

FLORIDA

Escambia County: S½ T. 3 N., R. 31 W., and those parts of T. 2 N., Rs. 30 and 31 W., in Escambia County and area in the County south thereof, including all of the city of Pensacola; those portions of Tps. 5 and 6 N., Rs. 30 and 31 W., in Escambia County; and E½ Tps. 5 and 6 N., R. 32 W.

LOUISIANA

Washington Parish: E½ T. 3 S., R. 13 E.; that part of T. 3 S., R. 14 E., west of Pearl River in Washington Parish, including all of the town of Bogalusa; secs. 23, 24, 25, 34, 36, 44, 45, 46, 47, 48, 51, 52, 53, and 54, T. 2 S., R. 10 E.; secs. 3, 10, 14, 15, 39, 40, 41, 42, 43, 46, 48, 49, 50, and 51, T. 3 S., R. 10 E.; secs. 19, 20, 29, 30, 31, 32, 38, and 39, T. 2 S., R. 11 E.; secs. 5, 6, 7, 8, 17, 18, 19, 20, 29, 37, 38, 39, 40, 41, 43, 49, and 50, T. 3 S., R. 11 E.

MISSISSIPPI

Covington County: W½ Tps. 6, 7, and 8 N., R. 14 W.; E½ T. 6 N., and Tps. 7 and 8 N., R. 15 W.; T. 8 N., R. 16 W.; S⅔ T. 8 N., R. 17 W.; those parts of T. 7 N., Rs. 16 and 17 W., in Covington County; W⅔ T. 9 N., R. 16 W., and that part of the NE¼ T. 9 N., R. 17 W., in Covington County.

Jones County: That part of T. 10 N., R. 11 W., in Jones County, except secs. 24, 25, and 36; those parts of T. 10 N., Rs. 12 and 13 W., in Jones County; T. 9 N., Rs. 12 and 13 W.; T. 9 N., R. 11 W., except secs. 1 and 12; E⅔ and secs. 29, 30, 31, and 32, T. 8 N., R. 12 W.; N⅔ T. 8 N., R. 11 W.; N½ T. 7 N., R. 12 W.; that portion of T. 6 N., R. 13 W., east of Leaf River, and secs. 28, 29, 30, 31, 32, and 33, T. 6 N., R. 13 W.; and secs. 25, 26, 27, 34, 35, and 36, T. 6 N., R. 14 W.

Lauderdale County: Secs. 1, 12, 13, 14, 22, 23, 24, 26, 27, 34, and 35, T. 6 N., R. 15 E.; secs. 5, 6, 7, 8, 17, 18, 19, and 20, T. 6 N., R. 16 E.; sec. 31, T. 7 N., R. 16 E.; and sec. 36, T. 7 N., R. 15 E., including all of the town of Meridian.

Perry County: S⅔ T. 3 N., R. 11 W.; secs. 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33, T. 3 N., R. 10 W.; secs. 13, 14, 23, 24, 25, 26, 35, and 36, T. 2 N., R. 9 W.; secs. 5 and 6, T. 4 N., R. 9 W.; secs. 29, 30, 31, and 32, T. 5 N., R. 9 W.; secs. 25, 26, 35, and 36, T. 5 N., R. 10 W.; and secs. 1 and 2, T. 4 N., R. 10 W.

Rankin County: E½ and secs. 4, 5, and 6, T. 3 N., R. 2 E.; T. 3 N., R. 3 E.; secs. 19, 20, 27, 28, 29, 30, 31, 32, 33, and 34, T. 4 N., R. 2 E.; sec. 31, T. 6 N., R. 2 E.; sec. 36, T. 6 N., R. 1 E.; secs. 6, 7, 18, and 19, T. 5 N., R. 2 E.; and that portion of E½ of N⅔ of T. 5 N., R. 1 E., east of Pearl River.

Simpson County: E⅔ T. 2 N., R. 3 E.; T. 2 N., R. 4 E.; T. 1 N., Rs. 4 and 5 E.; E½ T. 10 N., R. 19 W.; secs. 1, 2, 3, and those parts of secs. 10, 11, and 12, T. 9 N., R. 19 W., in Simpson County; secs. 29, 30, 31, and 32, T. 1 N., R. 6 E.; secs. 1 and 12, T. 10 N., R. 18 W.; T. 10 N., R. 17 W., except secs. 1, 2, 3, 10, 11, 12, 18, 19, 30, and 31; and that portion of T. 9 N., R. 17 W., except sec. 6, in Simpson County.

TENNESSEE

Tipton County: That area within the corporate limits of the town of Mason.

This amendment makes minor additions to the regulated areas in the respective counties and parish listed in Alabama, Florida, Louisiana, and Mississippi, and includes within the regulated area for the first time portions of Lauderdale County, Mississippi, and Tipton County, Tennessee.

In addition, there are removed from the regulated areas those sections of Evans and Telfair Counties, Georgia; Bladen County, North Carolina; and Richland County, South Carolina, previously under regulation. There is now no pest risk involved in the movement of regulated articles from these counties, except possibly in the case of extensive movement of soil. Such soil generally moves only locally and in any event is subject to State quarantine regulation if it is to move to or through any nonregulated area.

Prompt action is necessary with respect to the newly regulated areas in order to control the movement therefrom of articles which might spread the white-fringed beetle. Therefore, good cause is found, in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (c)) for making the foregoing amendment effective less than 30 days after its publication in the FEDERAL REGISTER.

(Sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

This amendment shall be effective July 5, 1952.

Done at Washington, D. C., this 1st day of July 1952.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52–7356; Filed, July 3, 1952; 8:47 a. m.]

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[1023 (Burley and Flue–53)–1]

PART 725—BURLEY AND FLUE-CURED TOBACCO

PROCLAMATION OF NATIONAL MARKETING QUOTA FOR FLUE-CURED TOBACCO FOR 1953–54 MARKETING YEAR

§ 725.401 *Basis and purpose.* (a) Sections 725.401 and 725.402 are issued to announce the reserve supply level and the total supply of flue-cured tobacco for the marketing year beginning July 1, 1952, and to establish the amount of the national marketing quota for flue-cured tobacco for the marketing year beginning July 1, 1953. The findings and determinations by the Secretary contained in § 725.402 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of data, views, and recommendations received from flue-cured tobacco producers and others as provided in a notice (17 F. R. 4824) given in accordance with the Administrative Procedure Act (5 U. S. C. 1003).

(b) Since the Agricultural Adjustment Act of 1938, as amended, requires the holding of a referendum of tobacco producers within 30 days after the issuance of the proclamation of the national marketing quota to determine whether such producers favor marketing quotas and requires, insofar as practicable, the mailing of notices of farm acreage allotments to farm operators prior to the date of the referendum, it is hereby found that compliance with the 30-day effective date provision of the administrative Procedure Act is impractical and contrary to the public interest. Therefore, the proclamation of the quota contained herein shall become effective upon the the date of publication in the FEDERAL REGISTER.

§ 725.402 *Findings and determinations with respect to the national marketing quota for flue-cured tobacco for the marketing year beginning July 1, 1953*[1]—(a) *Reserve supply level.* The reserve supply level for flue-cured tobacco is 3,072 million pounds, calculated, as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 800 million pounds and a normal year's exports of 440 million pounds.

(b) *Total supply.* The total supply of flu-cured tobacco for the marketing year beginning July 1, 1952, is 3,175 million pounds consisting of carry-over of 1,750 million pounds and estimated 1952 production of 1,425 million pounds.

[1] Rounded to the nearest million pounds.

(c) *Carry-over.* The estimated carry-over of flu-cured tobacco at the beginning of the marketing year for such tobacco beginning July 1, 1953, is 1,950 million pounds calculated by subtracting the estimated disappearance for the marketing year beginning July 1, 1952, of 1,225 million pounds from the total supply of such tobacco.

(d) *National marketing quota.* The amount of flu-cured tobacco which will make available during the marketing year beginning July 1, 1953, a supply of flu-cured tobacco equal to the reserve supply level of such tobacco is 1,122 million pounds, and a national marketing quota of such amount is hereby proclaimed. It is determined, however, that a national marketing quota in the amount of 1,122 million pounds would result in undue restriction of marketings during the 1953–54 marketing year and such amount is hereby increased by 10 percent. Therefore, the amount of the national marketing quota for flu-cured tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning July 1, 1953 is 1,234 million pounds.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 312, 313, 52 Stat. 38, as amended; 7 U. S. C. 1301, 1312, 1313)

Done at Washington, D. C., this 1st day of July 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-7378; Filed, July 3, 1952; 8:49 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 441, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule making procedure (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.548 (Lemon Regulation 441, 17 F. R. 5809) are hereby amended to read as follows:

(ii) District 2, 750 carloads.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 2d day of July 1952.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-7447; Filed, July 3, 1952; 8:45 a. m.]

[Lemon Reg. 442]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.549 *Lemon Regulation 442*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on July 1, 1952; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., July 6, 1952, and ending at 12:01 a. m., P. s. t., July 13, 1952, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 600 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 441 (17 F. R. 5809) and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 2d day of July 1952.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-7448; Filed, July 3, 1952; 8:45 a. m.]

[Colorado Reg. 1, Modification]

PART 958—IRISH POTATOES GROWN IN COLORADO

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958) regulating the handling of Irish potatoes grown in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of recommendations and information submitted by the Colorado Potato Committee, established under said marketing agreement and order, and other available informa-

tion, it is hereby found that the modification of Colorado Regulation No. 1, hereinafter set forth, will tend to effectuate the declared policy of the act.

2. It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this modification is based became available and the time when this modification must become effective in order to effectuate the declared policy of the act is insufficient and (ii) this modification relieves restrictions on the handling of Irish potatoes grown in the aforesaid production area.

Order, as amended. During the period July 7, 1952 to May 31, 1953, both dates inclusive the provisions of paragraph (b) of § 958.301, Colorado Regulation No. 1 (7 CFR 958.301; 14 F. R. 3979) are modified to read as follows:

(b) *Order.* (1) During the period July 7, 1952 to May 31, 1953, both dates inclusive, no handler shall ship potatoes subject to the provisions of said Order No. 58 which do not meet the requirements of (i) U. S. No. 1, or better grade, size B, or larger, or (ii) Colorado No. 3, or better grade, as such grade is defined herein, 1⅞ inches or larger diameter.

(2) As used in this section the term "Colorado No. 3 Grade" means potatoes which meet the requirements of U. S. No. 2 grade except that the diameter of each potato shall be not less than 1⅞ inches, and except that the potatoes shall be free from very serious damage caused by dirt or other foreign matter, second growth, growth cracks, air cracks, hollow heart, internal discoloration, cuts, shriveling, scab, other diseases (except late blight), wire-worm, other insects, mechanical or other means: *Provided*, That, in order to allow for variations other than size incident to proper grading and handling, not more than six percent of the potatoes in any container may be below the requirements of the grade, but not to exceed one-sixth of this amount or one percent shall be allowed for potatoes affected by soft rot or wet breakdown, and not more than five percent may be very seriously damaged by hollow heart and internal discoloration.

(i) "Very serious damage" means any injury or defect which very seriously injures the appearance of the individual potato or the general appearance of the potatoes in the container, or which cannot be removed without a loss of more than 25 percent of the total weight of the potato including peel covering defective area. Any one of the following defects or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as very serious damage;

(ii) "Dirt." When the general appearance of the potatoes in the containers is very seriously affected by tubers badly caked with dirt, or other foreign matter which very seriously affects the appearance of the potatoes;

(iii) Fairly smooth cuts when more than an estimated one-half of the potato is cut away, or when the remaining portion of the clipped potato weighs less than four ounces. Irregular types of cuts which very seriously affect the appearance of the individual potato, or which cannot be removed without a loss of more than 25 percent of the total weight of the potato including peel covering the defective area.

(3) All other terms used in this section shall have the same meaning as when used in Order No. 58, and the U. S. grades and sizes, including the tolerances therefor, shall have the same meanings assigned to such terms in the U. S. Standards for Potatoes (7 CFR 51.366).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 2d day of July 1952, to become effective July 7, 1952.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-7451; Filed, July 3, 1952; 9:37 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 165—FORMAL PETITIONS AND APPLICATIONS

PART 176—DOCUMENTARY REQUIREMENTS FOR ALIENS, EXCEPT SEAMEN AND AIRMEN, ENTERING THE UNITED STATES

IMMIGRATION QUOTAS

EDITORIAL NOTE: For revocation of Proclamation 2283, which is cited in the text of § 165.1, and cited as the authority for Part 176, see Proclamation 2980, *supra*.

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 31]

PART 608—DANGER AREAS

ALTERATION

The danger area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

In § 608.55, the Port Angeles, Washington, area, published on May 20, 1952 (17 F. R. 4558), is amended by changing the "Description by Geographical Coordinates" column to read:

That portion of the following described area lying within the territorial limits of the United States: A sector of a circle of 12.5 statute mile radius centered on lat. 48°23'12'' N, long. 123°28'37'' W, and limited by the radii drawn from the center through the Race Rocks Lighthouse at lat. 48°17'53'' N, long. 123°31'48'' W, and drawn from the center through the Trial Island Lighthouse at lat. 48°23'42'' N, long. 123°18'12'' W, excluding that portion in conflict with Blue civil airway No. 32.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on July 3, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-7343; Filed, July 3, 1952; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5808]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

DOBBS TRUSS COMPANY, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.170 *Qualities or properties of product or service.* I. In connection with the offering for sale, sale or distribution of the Dobbs Truss, or any product or device of substantially similar construction or design or possessing similar properties, whether sold under the same name or any other name, and on the part of respondent The Dobbs Truss Company, Inc., its officers, etc., and on the part of three individual respondents, both individually and as officers of said corporation, and on the part of their representatives, etc., and on the part of four other individuals, and respondent Dobbs Truss Company of New York, Inc., distributors for said first named respondent, and certain individuals as officers of said Dobbs Truss Company of New York, and on the part of their respective representatives, etc., disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, etc., of said device, which advertisements represent, directly or by implication, that said device will cure, or has cured, any rupture or hernia; and, II, in the aforesaid connection and on the part of respondent Dobbs Truss Company, Inc., its officers, etc., and on the part of three individuals, individually and as officers thereof, and on the part of their respective respondents, etc., disseminating, etc., as above set forth, any advertisements which represent, directly or by implication, that said device will keep a rupture tightly closed at all times; and, III, in said connection, and on the part of said Dobbs Truss Company, Inc., its officers, etc., respondent individuals as officers thereof, and their representatives, etc., and on the part of ten individuals, distributors of said first named corporation (trading as

Dobbs Truss and Appliance Co., etc., as the case might be), and their respective representatives, etc., disseminating, etc., any advertisements which represent, directly or by implication, (a) that said device does not hinder circulation of the blood, does away with all constricting pressure or will help nature help the wearer; or (b) that said device may be worn with security and comfort, does away with all chafing, binding, rubbing, irritation or slipping or is of any value for rupture treatment, unless such representation be expressly limited to reducible hernia or rupture; and IV, in said connection, and on the part of respondent Dobbs Truss Company, Inc., its officers, etc., three individuals, individually and as officers thereof, and their representatives, etc., and on the part of nine individuals, and respondent Dobbs Truss Company of New York, Inc., distributors for said first named respondent, and on the part of the representatives, etc., of said various distributors, and on the part of three individuals, individually and as officers of said Dobbs Truss Company of New York, and their representatives, etc., disseminating, etc., any advertisements which represent, directly or by implication, that said device does not spread muscles, that it does not strut or enlarge the rupture or that it will give relief to the wearer, unless such representation be expressly limited to reducible hernia or rupture; and, V, in the aforesaid connection and on the part of respondent Vic L. Brandon, his representatives, etc., disseminating, etc., any advertisements which represent, directly or by implication, that said device holds the abdominal muscles together; and, VI, in the aforesaid connection and on the part of respondent Lemuel S. Dobbs, trading as Dobbs Truss Company, or under any other trade name, and his representatives, etc., disseminating, etc., any advertisements which represent, directly or by implication, (a) that the Dobbs Truss will free the wearer of his rupture completely and permanently, that it will not slow up the circulation of the blood, that it exerts no constricting pressure, that it will correct a hernia, or that it will restore the muscles to their original state; or (b) will control a hernia, will not enlarge a rupture, will permit complete freedom of bodily movement without displacement of the truss pad, or will do away with all chafing or binding, unless such representations be expressly limited to reducible hernia or rupture; and, VII, in said connection and on the part of respondent Edward Nolin, trading as Dobbs Truss Company, or under any other trade name, and on the part of his representatives, etc., disseminating, etc., any advertisements which represent, directly or by implication, that said device keeps the rupture tightly closed at all times or that it holds the muscles together; and, VIII, in said connection, and on the part of respondent Irvin O. Taylor, trading as The Dobbs Truss, or under any other trade name, and his representatives, etc., disseminating, etc., any advertisements which represent, directly or by implication, that said device draws the opening of the rupture together or that it gives nature a chance to repair the rupture; and, IX, in said connection, and on the part of respondent John C. Dobbs, trading as Dobbs Truss Company, and as Dobbs Truss Sales Company of the Western States, or under any other trade name or names, and on the part of his representatives, etc., disseminating, etc., any advertisements which represent, directly or by implication, (a) that said device holds muscles together or keeps the rupture tightly closed at all times; or, (b) does not spread muscles, unless such representation be expressly limited to reducible hernia or rupture; and, X, in said connection, and on the part of respondent George R. Gardner, trading as Dobbs Truss Co., or under any other trade name, and on the part of his representatives, etc., disseminating, etc., any advertisements which represent, directly or by implication, that said device (a) helps nature strengthen muscles and tissues; or, (b) will control a hernia, unless expressly limited to reducible hernia or rupture; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, The Dobbs Truss Company, Inc., et al., Birmingham, Ala., Docket 5808, April 3, 1952]

In the Matter of The Dobbs Truss Company, Inc., a Corporation, Homer C. Dobbs, J. Wood Dobbs, and Gladys W. Clark, Individually and as Officers of The Dobbs Truss Company, Inc., Ellie H. Vines, Sr., an Individual Trading as Dobbs Truss and Appliance Company, Clarence L. Clark, an Individual Trading as Dobbs Truss Appliance Company, Vic L. Brandon, an Individual, Lemuel S. Dobbs, an Individual Trading as Dobbs Truss Company, Scott C. McClelland, an Individual Trading as Dobbs Truss Distributing Company, Dobbs Truss Company of New York, Inc., a Corporation, Edward Nolin, Rose Nolin, and Rosamond Nolin, Individually and as Officers of Dobbs Truss Company of New York, Inc., Edward Nolin, an Individual Trading as Dobbs Truss Company, Irvin O. Taylor, an Individual Trading as The Dobbs Truss, William L. Powell, and Ed. F. Hill, Copartners Trading as The Dobbs Truss Distributing Company, John C. Dobbs, an Individual Trading as Dobbs Truss Company, and as Dobbs Truss Sales Company of The Western States, George R. Gardner, an Individual Trading as Dobbs Truss Co., and Henry J. Watkins, Jr., an Individual Trading as The Dobbs Truss Distributing Company

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on September 11, 1950, issued and subsequently served its complaint in this proceeding upon the respondents named in the caption hereof, charging them with unfair and deceptive acts and practices in commerce through the dissemination of false and misleading advertisements of a device, in violation of the provisions of said act. After the issuance of said complaint and the filing of an answer thereto on behalf of all respondents, hearings were held at which testimony and other evidence in support of and in opposition to the allegations of said complaint were introduced before a hearing examiner theretofore duly designated by the Commission, and said testimony and other evidence were duly recorded and filed in the office of the Commission. On November 1, 1950, O. C. Dobbs, Jr., individually and as an officer of The Dobbs Truss Company, Inc., and on February 8, 1951, Dobbs Truss Sales Company, Inc., a corporation, were added as respondents in this matter by order of the Commission, with the consent of all parties. The answer of all respondents filed October 9, 1950, was adopted by respondent O. C. Dobbs, Jr., as his answer. A separate answer on behalf of Dobbs Truss Sales Company, Inc., was filed on February 14, 1951. It was agreed by all parties that these respondents would be regarded as having been party respondents to this proceeding from its inception. Thereafter, the proceeding regularly came on for final consideration by said hearing examiner on the complaint, the answer thereto, testimony and other evidence, and proposed findings of fact and conclusions presented by counsel, and said hearing examiner on March 12, 1951, filed his initial decision.

Within the time permitted by the Commission's rules of practice, respondents filed with the Commission an appeal from said initial decision, and thereafter this proceeding regularly came on for final consideration by the Commission upon said appeal and the briefs in support of and in opposition thereto; and the Commission, having issued its order granting said appeal in part and denying it in part, and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes this its findings as to the facts,[1] conclusions drawn therefrom [1] and order, the same to be in lieu of the initial decision of the hearing examiner.

I. *It is ordered*, That respondents The Dobbs Truss Company, Inc., a corporation, its officers, representatives, agents and employees; Homer C. Dobbs, J. Wood Dobbs, Gladys W. Clark and O. C. Dobbs, Jr., individually and as officers of said corporation, their representatives, agents and employees; Ellie H. Vines, Sr., trading as Dobbs Truss and Appliance Company, or under any other trade name, his representatives, agents and employees; Vic L. Brandon, his representatives, agents and employees; Scott C. McClelland, trading as Dobbs Truss Distributing Company, or under any other trade name, his representatives, agents and employees; Dobbs Truss Company of New York, Inc., a corporation, its officers, representatives, agents and employees; Edward Nolin, Rose Nolin and Rosamond Nolin, individually and as officers of Dobbs Truss Company of New York, Inc., their representatives, agents and employees; Edward Nolin, trading as Dobbs Truss Company, or under any other trade name, his representatives, agents and employees; and Irvin O. Taylor, trading as The Dobbs Truss, or under any other trade name, his representatives, agents and employees, directly or through any corporate or other device,

[1] Filed as part of the original document.

in connection with the offering for sale, sale or distribution of the Dobbs Truss, or any product or device of substantially similar construction or design or possessing substantially similar properties, whether sold under the same name or any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated, by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication, that said device will cure, or has cured, any rupture or hernia.

2. Disseminating or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said device, any advertisement which contains the representation prohibited in Paragraph 1 of Subdivision I of this order.

II. *It is further ordered,* That respondents The Dobbs Truss Company, Inc., a corporation, its officers, representatives, agents and employees; Homer C. Dobbs, J. Wood Dobbs, Gladys W. Clark and O. C. Dobbs, Jr., individually and as officers of said corporation, their representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the Dobbs Truss, or any product or device of substantially similar construction or design or possessing substantially similar properties, whether sold under that name or any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated, by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication, that said device will keep a rupture tightly closed at all times.

2. Disseminating or causing to be disseminated, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said device, any advertisement which contains the representation prohibited in Paragraph 1 of Subdivision II of this order.

III. *It is further ordered,* That respondents The Dobbs Truss Company, Inc., a corporation, its officers, representatives, agents and employees; Homer C. Dobbs, J. Wood Dobbs, Gladys W. Clark, and O. C. Dobbs, Jr., individually and as officers of said corporation, their representatives, agents and employees; Ellie H. Vines, Sr., trading as Dobbs Truss and Appliance Company, or under any other trade name, his representatives, agents and employees; Clarence L. Clark, trading as Dobbs Truss Appliance Company, or under any other trade name, his representatives, agents and employees; Vic L. Brandon, his representatives, agents and employees; Scott C. McClelland, trading as Dobbs Truss Distributing Company, or under any other trade name, his representatives, agents and employees; Edward Nolin, trading as Dobbs Truss Company, or under any other trade name, his representatives, agents and employees; Irvin O. Taylor, trading as The Dobbs Truss, or under any other trade name, his representatives, agents and employees; William L. Powell and Ed. F. Hill, individually and as copartners, trading as The Dobbs Truss Distributing Company, or under any other trade name, their representatives, agents and employees; George R. Gardner, trading as Dobbs Truss Co., or under any other trade name, his representatives, agents and employees; Henry J. Watkins, Jr., trading as The Dobbs Truss Distributing Company, or under any other trade name, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the Dobbs Truss, or any product or device of substantially similar construction or design or possessing substantially similar properties, whether sold under the same or any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated, by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication, that said device does not hinder circulation of the blood, does away with all constricting pressure or will help nature help the wearer.

2. Disseminating or causing to be disseminated, by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication, that said device may be worn with security and comfort, does away with all chafing, binding, rubbing, irritation or slipping or is of any value for rupture treatment, unless such representation be expressly limited to reducible hernia or rupture.

3. Disseminating or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said device, any advertisement which contains any of the representations prohibited in Paragraphs 1 and 2 of Subdivision III of this order.

IV. *It is further ordered,* That respondents The Dobbs Truss Company, Inc., a corporation, its officers, representatives and employees; Homer C. Dobbs, J. Wood Dobbs, Gladys W. Clark and O. C. Dobbs, Jr., individually and as officers of said corporation, their representatives, agents and employees; Ellie H. Vines, Sr., trading as Dobbs Truss and Appliance Company, or under any other trade name, his representatives, agents and employees; Clarence L. Clark, trading as Dobbs Truss Appliance Company, or under any other trade name, his representatives, agents and employees; Vic L. Brandon, his representatives, agents and employees; Lemuel S. Dobbs, trading as Dobbs Truss Company, or under any other trade name, his representatives, agents and employees; Scott C. McClelland, trading as Dobbs Truss Distributing Company, or under any other trade name, his representatives, agents and employees; Dobbs Truss Company of New York, Inc., a corporation, its officers, representatives, agents and employees; Edward Nolin, Rose Nolin and Rosamond Nolin, individually and as officers of Dobbs Truss Company of New York, Inc., their representatives, agents and employees; Edward Nolin, trading as Dobbs Truss Company, or under any other trade name, his representatives, agents and employees; Irvin O. Taylor, trading as The Dobbs Truss, or under any other trade name, his representatives, agents and employees; George R. Gardner, trading as Dobbs Truss Co., or under any other trade name, his representatives, agents and employees; and Henry J. Watkins, Jr., trading as The Dobbs Truss Distributing Company, or under any other trade name, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the Dobbs Truss, or any product or device of substantially similar construction or design or possessing substantially similar properties, whether sold under the same or any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated, by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication, that said device does not spread muscles, that it does not strut or enlarge the rupture or that it will give relief to the wearer, unless such representation be expressly limited to reducible hernia or rupture.

2. Disseminating or causing to be disseminated, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said device, any advertisement which contains any of the representations prohibited in Paragraph 1 of Subdivision IV of this order.

V. *It is further ordered,* That respondent Vic L. Brandon, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the Dobbs Truss, or any product or device of substantially similar design or construction or possessing substantially similar properties, whether sold under the same or any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated, by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication, that said device holds the abdominal muscles together.

2. Disseminating or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission

Act, of said device, any advertisement which contains the representation prohibited in Paragraph 1 of Subdivision V of this order.

VI. *It is further ordered,* That respondent Lemuel S. Dobbs, trading as Dobbs Truss Company, or under any other trade name, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the Dobbs Truss, or any product or device of substantially similar design or construction or possessing substantially similar properties, whether sold under the same or any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated, by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication, that the Dobbs Truss will free the wearer of his rupture completely and permanently, that it will not slow up the circulation of the blood, that it exerts no constricting pressure, that it will correct a hernia, or that it will restore the muscles to their original state.

2. Disseminating or causing to be disseminated, by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication, that said device will control a hernia, will not enlarge a rupture, will permit complete freedom of bodily movement without displacement of the truss pad, or will do away with all chafing or binding, unless such representations be expressly limited to reducible hernia or rupture.

3. Disseminating or causing to be disseminated, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said device, any advertisement which contains any of the representations prohibited by Paragraphs 1 and 2 of Subdivision VI of this order.

VII. *It is further ordered,* That respondent Edward Nolin, trading as Dobbs Truss Company, or under any other trade name, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the Dobbs Truss, or any product or device of substantially similar construction or design or possessing substantially similar properties, whether sold under the same or any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated, by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication, that said device keeps the rupture tightly closed at all times or that it holds muscles together.

2. Disseminating or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said device, any advertisement which contains any of the representations prohibited in Paragraph 1 of Subdivision VII of this order.

VIII. *It is further ordered,* That respondent Irvin O. Taylor, trading as The Dobbs Truss, or under any other trade name, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the Dobbs Truss, or any product or device of substantially similar construction or design or possessing substantially similar properties, whether sold under the same or any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated, by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication, that said device draws the opening of the rupture together or that it gives nature a chance to repair the rupture.

2. Disseminating or causing to be disseminated, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said device, any advertisement which contains any of the representations prohibited in Paragraph 1 of Subdivision VIII of this order.

IX. *It is further ordered,* That respondent John C. Dobbs, trading as Dobbs Truss Company and as Dobbs Truss Sales Company of the Western States, or under any other trade name or names, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the Dobbs Truss, or any product or device of substantially similar construction or design or possessing substantially similar properties, whether sold under the same or any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated, by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication, that said device holds muscles together or keeps the rupture tightly closed at all times.

2. Disseminating or causing to be disseminated, by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication, that said device does not spread muscles, unless such representation be expressly limited to reducible hernia or rupture.

3. Disseminating or causing to be disseminated, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said device, any advertisement which contains any of the representations prohibited in Paragraphs 1 and 2 of Subdivision IX of this order.

X. *It is further ordered,* That respondent George R. Gardner, trading as Dobbs Truss Co., or under any other trade name, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the Dobbs Truss, or any product or device of substantially similar construction or design or possessing substantially similar properties, whether sold under the same or any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated, by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication, that said device helps nature strengthen muscles and tissues.

2. Disseminating or causing to be disseminated, by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication, that said device will control a hernia, unless such representation be expressly limited to reducible hernia or rupture.

3. Disseminating or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said device, any advertisement which contains any of the representations prohibited in Paragraphs 1 and 2 of Subdivision X of this order.

XI. *It is further ordered,* That the complaint herein be, and the same hereby is, dismissed as to respondent, Dobbs Truss Sales Company, Inc.

XII. *It is further ordered,* That the respondents, with the exception of the Dobbs Truss Sales Company, Inc., shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: April 3, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-7367; Filed, July 3, 1952; 8:48 a. m.]

[Docket 5860]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

GRAND ACADEMY SPORTSWEAR, INC., ET AL.

Subpart—*Misbranding or mislabeling:* § 3.1190 *Composition—Wool Products Labeling Act.* Subpart—*Neglecting, unfairly or deceptively, to make material*

disclosure: § 3.1845 *Composition—Wool Products Labeling Act.* In connection with the introduction or manufacture for introduction into commerce, or the sale, transportation or distribution in commerce, of ladies' skirts or other wool products, as defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool," "reprocessed wool," or "reused wool," as defined in said act, misbranding such products, (1) by falsely and deceptively stamping, tagging, labeling or otherwise identifying the same; and (2) by failing to affix securely to or place on such products a stamp, tag, label or other means of identification showing in a clear and conspicious manner, (a) the percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of such wool product of any nonfibrous loading, filling, or adulterating matter; and (c) the name or the registered identification number of the manufacturer of such wool product or one or more persons engaged in introducing such wool product into commerce or in the offering for sale, sale, or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939; prohibited, subject to the proviso, however, that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and to the further provision that nothing contained in the order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128; 15 U. S. C. 45, 68–68c) [Cease and desist order, Grand Academy Sportswear, Inc., et al., New York, N. Y., Docket 5860, April 3, 1952]

In the Matter of Grand Academy Sportswear, Inc., a Corporation, and Jack Herbst and Robert Coffield, Individually and as Officers of the Grand Academy Sportswear, Inc., a Corporation

This proceeding was heard by James A. Purcell, Hearing Examiner, upon the complaint of the Commission, and respondents' answer, in which respondents specifically admitted the misbranding of their product, but alleged that the labeling was performed by factory employees who used rubber stamps which showed the fiber content of the various cloths, and that use of the stamp misbranding the goods as to fiber content was inadvertent and without intent to misbrand or deceive, and that the officers and employees would prevent such a repetition of errors in the future.

Thereafter the proceeding regularly came on for final consideration by said Examiner, theretofore duly designated by the Commission, upon said complaint, respondents' answer, and proposed findings and conclusions submitted by the attorney in support of the complaint, none having been filed by the respondents, and said Examiner, having duly considered the record in the matter, and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts,[1] conclusions drawn therefrom,[1] and order to cease and desist.

No appeal having been filed from said initial decision of said Hearing Examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on April 3, 1952.

The said order is as follows:

It is ordered, That the respondents, Grand Academy Sportswear, Inc., a corporation, and Jack Herbst and Robert Coffield as officers of said Grand Academy Sportswear, Inc., a corporation and also in their individual capacities, their respective representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the sale, transportation or distribution in commerce, as "commerce" is defined in the aforesaid acts, of ladies' skirts or other wool products, as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain or in any way are represented as containing "wool," "reprocessed wool" or "reused wool," as those terms are defined in said act, do forthwith cease and desist from misbranding such products:

1. By falsely and deceptively stamping, tagging, labeling or otherwise identifying such products;

2. By failing to securely affix to or place on such products a stamp, tag, label or other means of identification showing in a clear and conspicuous manner;

(a) The percentage of the total fiber weight of such wool products, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and, (5) the aggregate of all other fibers.

(b) The maximum percentage of the total weight of such wool products of any non-fibrous loading, filling, or adulterating matter.

(c) The name of the registered identification number of the manufacturer of such wool products or one or more persons engaged in introducing such wool products into commerce, or in the offering for sale, sale, transportation, or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and in the Wool Products Labeling Act of 1939.

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939: *And provided further,* That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

It is further ordered, That the charge of substitution of tags and labels by respondents, contained in Paragraph Five of the complaint is dismissed, such acts, under the circumstances and conditions of the instant matter, not being properly chargeable as a violation of the Wool Products Labeling Act of 1939, or of the rules and regulations promulgated thereunder, nor of the Federal Trade Commission Act.

By "Decision of the Commission and order to file report of compliance", Docket 5860, April 3, 1952, which announced and decreed fruition of said initial decision on April 3, 1952, report of compliance with the said order was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 3, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-7368; Filed, July 3, 1952; 8:48 a. m.]

[1] Filed as part of the original document.

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53035]

PART 69—IMPORTATION OF ARTICLES IN CONNECTION WITH THE WASHINGTON STATE-FAR EAST INTERNATIONAL TRADE FAIR AT SEATTLE, WASHINGTON, UNDER PUBLIC LAW NO. 351, 82D CONGRESS[1]

ENTRY OF ARTICLES

The following regulations under Public Law No. 351, 82d Congress, approved May 21, 1952, relate to the entry of articles in connection with the Washington

[1] All articles which shall be imported from foreign countries for the purpose of exhibition at the Washington State-Far East International Trade Fair, to be held at Seattle, Washington, from September 6 to September 14, 1952, inclusive, by the Washington State-Far East International Trade Fair, Incorporated, a corporation, or for use in constructing, installing, or maintaining foreign exhibits at the said trade fair, upon which articles there shall be a tariff or customs duty, shall be admitted without payment of such tariff, customs duty, fees, or charges under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during or within three

State-Far East International Trade Fair to be held at Seattle, Washington, September 6 to September 14, 1952.

Sec.
69.1 Invoices; marking; bond.
69.2 Entry; appraisement; procedure.
69.3 Compliance, provisions of Plant Quarantine Act of 1912, and Federal Food, Drug and Cosmetic Act of June 25, 1938.
69.4 Detail of customs officers to protect revenue; expenses.
69.5 Withdrawal of articles from exhibition for exportation, abandonment, destruction, or for consumption or entry under the general tariff law; involuntary abandonment.

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months after the close of the said trade fair to sell within the area of the trade fair any articles provided for herein, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe: *Provided*, That all such articles, when withdrawn for consumption or use in the United States, shall be subject to the duties, if any, imposed upon such articles by the revenue laws in force at the date of their withdrawal; and on such articles which shall have suffered diminution or deterioration from incidental handling or exposure, the duties, if payable, shall be assessed according to the appraised value at the time of withdrawal from entry hereunder for consumption or entry under the general tariff law: *Provided further*, That imported articles provided for herein shall not be subject to any marking requirements of the general tariff laws, except when such articles are withdrawn for consumption or use in the United States, in which case they shall not be released from customs custody until properly marked, but no additional duty shall be assessed because such articles were not sufficiently marked when imported into the United States: *Provided further*, That at any time during or within three months after the close of the trade fair, any article entered hereunder may be abandoned to the Government or destroyed under customs supervision, whereupon any duties on such article shall be remitted: *Provided further*, That articles which have been admitted without payment of duty for exhibition under any tariff law and which have remained in continuous customs custody or under a customs exhibition bond and imported articles in bonded warehouses under the general tariff law may be accorded the privilege of transfer to and entry for exhibition at the said trade fair under such regulations as the Secretary of the Treasury shall prescribe: *And provided further*, That the Washington State-Far East International Trade Fair, Incorporated, a corporation, shall be deemed, for customs purposes only, to be the sole consignee of all merchandise imported under the provisions of this act, and that the actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody, together with the necessary charges for salaries of customs officers and employees in connection with the supervision, custody of, and accounting for, articles imported under the provisions of this act, shall be reimbursed by the Washington State-Far East International Trade Fair, Incorporated, a corporation, to the Government of the United States under regulations to be prescribed by the Secretary of the Treasury, and that receipts from such reimbursements shall be deposited as refunds to the appropriation from which paid, in the manner provided for in section 524, Tariff Act of 1930, as amended (U. S. C. 1946 edition, title 19, sec. 1524).

AUTHORITY: §§ 69.1 to 69.5 issued under Pub. Law No. 351, 82d Cong.

§ 69.1 *Invoices; marking; bond.* (a) Articles intended for exhibition under the provisions of Public Law No. 351, 82d Congress, and valued at more than $100, are subject to the usual certified invoice requirements if of a class for which such invoices are required under the Tariff Act of 1930 and the regulations issued thereunder. The certified invoices shall be on foreign service Form 138 (Invoice of Merchandise) and shall contain the information prescribed under section 481 of the Tariff Act of 1930. (19 U. S. C. 1481.)

(b) The marking requirements of the Tariff Act of 1930, as amended, and the regulations promulgated thereunder will not apply to articles imported under the regulations in this part except when such articles are withdrawn for consumption or use in the United States, in which case they shall be released from customs custody only upon a full compliance with the marking requirements of the tariff act, as amended, and the regulations promulgated thereunder.

(c) The International Trade Fair, Incorporated, shall give to the collector of customs at Seattle, Washington, a bond in an amount to be determined by the collector and containing such conditions for compliance with Public Law No. 351, 82d Congress, and the regulations in this part, as shall be approved by the Bureau of Customs.

§ 69.2 *Entry; appraisement; procedure.* (a) All entries under the regulations in this part shall be made at the port of Seattle, Washington, in the name of the International Trade Fair, Incorporated, which shall be deemed for customs purposes the sole consignee of the merchandise entered under the act and which shall be held responsible to the Government for all duties and charges due the United States on account of such entries; but, in the case of merchandise withdrawn from entry under these regulations, an entry under the general tariff law in the name of any person duly authorized in writing by the International Trade Fair, Incorporated, to make such entry, may be accepted by the collector.

(b) Articles to be entered under the regulations in this part which arrive at ports other than Seattle shall be entered for immediate transportation without appraisement to the latter port in the manner prescribed by the general customs regulations.

(c) Upon the arrival at the port of Seattle of articles to be entered under the regulations in this part, they shall be entered on a special form of entry to read substantially as follows:

ENTRY FOR EXHIBITION

Entry No. ____

Entry at the port of Seattle of articles consigned or transferred to the International Trade Fair, Incorporated, under _____ I. T. No. _____ ex S. S. _____ from _____ on the _____ day of _____ 19____, for exhibition purposes under Public Law No. 351 of the 82d Congress, approved May 21, 1952.

Mark	Number	Package and contents	Quantity	Invoice value

INTERNATIONAL TRADE FAIR, INC.,
By _____

(d) Upon such entry being made, the collector shall issue a special permit for the transfer of the articles covered thereby to the buildings in which they are to be exhibited or used, or, in the discretion of the collector, to the appraiser's stores for examination and subsequent transfer to the buildings in which they are to be exhibited or used. The articles shall be tentatively appraised prior to their exhibition or use. All imported exhibits entered under this part shall be kept segregated from domestic articles and imported duty-paid articles and shall not be removed from the exhibition building except in accordance with § 69.5 (a).

(e) If for any reason articles imported for entry under the regulations in this part are not upon their arrival to be delivered immediately at an exhibition building, the importer should so indicate to the collector in writing, who will cause such articles to be placed in a bonded warehouse under a "general order permit" at the importer's risk and expense, and such articles may be entered at any time within 1 year from the date of importation for exhibition, as herein provided for, or under the general tariff law, or for exportation. If not so entered within such period, they will be regarded as abandoned to the Government.

(f) Articles which have been admitted without payment of duty for exhibition under any customs law and which have remained in continuous customs custody or under a customs exhibition bond may be transferred to entry for exhibition at the fair in the manner prescribed in § 10.49 (c) of the Customs Regulations of 1943 (19 CFR 10.49 (c)), except that in each case an entry under paragraph (c) of this section shall be filed, which shall supersede any previous entry, and no new bond other than that specified in § 69.1 (c) shall be required. Imported articles in bonded warehouses under the general tariff law may be transferred to entry for exhibition at the fair in the manner prescribed in § 8.33 of the Customs Regulations of 1943 (19 CFR 8.33).

§ 69.3 *Compliance, provisions of Plant Quarantine Act of 1912, and Federal Food, Drug, and Cosmetic Act of June 25, 1938.* The entry of plant material subject to restriction under the Plant Quarantine Act of 1912, as amended (7 U. S. C. 151 to 164a, inclusive, 167), shall not be permitted except under permits issued therefor by the Bureau of Entomology and Plant Quarantine, Department of Agriculture, and

in accordance with the plant quarantine regulations. The entry of food products shall conform to the requirements of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040 et seq.; 21 U. S. C. 301 et seq.) and regulations issued thereunder.

§ 69.4 *Detail of customs officers to protect revenue; expenses.* (a) The collector of customs at Seattle, Washington, shall detail an officer to act as his representative at the fair and shall station inside the exhibition buildings as many additional customs officers and employees as may be necessary properly to protect the revenue.

(b) All actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody of imported articles, together with the necessary charges for salaries of customs officers and employees in connection with the supervision and custody of, and accounting for, articles imported for exhibition at the fair or transferred thereto for exhibition, shall be reimbursed by the International Trade Fair, Incorporated, to the Government, payment to be made monthly to the collector of customs, Seattle, Washington, for deposit to the credit of the Treasurer of the United States as a refund to the appropriation "Collecting the Revenue from Customs."

§ 69.5 *Withdrawal of articles from exhibition for exportation, abandonment, destruction, or for consumption or entry under the general tariff law, involuntary abandonment.* (a) Any articles entered under the regulations of this part may be withdrawn for exportation, for abandonment to the Government, for destruction under customs supervision, or for consumption or entry under the general tariff law, but not otherwise, at any time prior to the opening of the fair or at any time during or within three months after the close of the fair. Upon the withdrawal of such articles for consumption or for entry under the general tariff law, or at the expiration of three months after the close of the fair in the case of articles not previously so withdrawn, they shall be appraised with due allowance made for diminution or deterioration from incidental handling or exposure. Such appraisal shall be final in the absence of an appeal to reappraisement, as provided in section 501 of the Tariff Act of 1930, as amended (19 U. S. C. 1501). In the case of such articles withdrawn for entry under the general tariff law under a warehouse bond or a bond conditioned upon exportation, the statutory period of the bond and any extension thereof shall be computed from the date of withdrawal from entry under the provisions of Public Law No. 351 of the 82d Congress.

(b) At any time prior to the opening of the fair, or at any time during or within three months after the close of the fair, any article entered hereunder may be abandoned to the Government or destroyed under customs supervision, as provided in § 15.4 of the Customs Regulations of 1943 (19 CFR 15.4).

(c) Any articles entered under the regulations in this part which have not been withdrawn for consumption, entry under the general tariff law, or exportation, or which have not been abandoned to the Government or destroyed under customs supervision, before the expiration of three months after the close of the fair, shall be regarded as abandoned to the Government.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: June 27, 1952.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52-7375; Filed, July 3, 1952; 8:49 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

PART 42—VISAS: DOCUMENTATION OF ALIENS ENTERING THE UNITED STATES

IMMIGRATION QUOTAS

EDITORIAL NOTE: For revision of the list of immigration quotas contained in § 42.316, see Proclamation 2980, *supra.*

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 9, Revision 1, Amdt. 1 to Supplementary Regulation 4]

CPR 9—TERRITORIES AND POSSESSIONS

SR 4—SPECIAL PROVISIONS FOR INCREASING CEILING PRICES OF SELLERS WHOSE COSTS ARE INCREASED BY WEST COAST STRIKE

SEPARATE STATEMENT ON INVOICES OF INCREASED FREIGHT CHARGES AUTHORIZED BY SR 4 TO CPR 9, REVISION 1

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 1 to Supplementary Regulation 4 to Ceiling Price Regulation 9, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

Supplementary Regulation 4 to Ceiling Price Regulation 9, Revision 1, which was issued effective June 13, 1952, provided relief for sellers of food products in the Territory of Hawaii who, because of the maritime strike on the west coast of the United States necessarily incurred increased shipping costs because some food products covered by CPR 9, Revision 1, have to be shipped from ports in the continental United States other than the west coast ports. That supplementary regulation permitted the sellers to pass through any increase in overland or ocean freight charges incurred by the transportation of such shipments.

Inasmuch as retail as well as wholesale sales were covered, compliance by retailers has been difficult because no provision was made for the wholesaler to separately state such increased freight charges on his invoice to the retailer. This amendment provides that wholesalers must separately state on their invoices for each item sold, the amount of additional freight charges added to their ceiling price by authority of Supplementary Regulation 4 to CPR 9, Revision 1.

Because of the nature of this amendment, consultation with industry affected has not been practicable.

AMENDATORY PROVISIONS

1. Section 1 of Supplementary Regulation 4 to Ceiling Price Regulation 9, Revision 1, is amended by adding after the first paragraph the following new paragraph:

If you sell at wholesale a commodity covered by this supplementary regulation, you must separately state on the invoice for each item sold, the amount you have added to your ceiling price as authorized in this section.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup., 2154)

Effective date. This Amendment 1 to Supplementary Regulation 4 to Ceiling Price Regulation 9, Revision 1, is effective July 2, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 2, 1952.

[F. R. Doc. 52-7436; Filed, July 2, 1952; 4:52 p. m.]

[Ceiling Price Regulation 69, Revision 1, Amdt. 1 to Supplementary Regulation 1]

CPR 69—FOOD PRODUCTS SOLD IN THE TERRITORY OF HAWAII

SR 1—SPECIAL PROVISIONS FOR INCREASING CEILING PRICES OF SELLING WHOSE COSTS ARE INCREASED BY WEST COAST STRIKE

SEPARATE STATEMENT ON INVOICES OF INCREASED FREIGHT CHARGES AUTHORIZED BY SR 1 TO CPR 69, REVISION 1

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 1 to Supplementary Regulation 1 to Ceiling Price Regulation 69, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

Supplementary Regulation 1 to Ceiling Price Regulation 69, Revision 1, which was issued effective June 13, 1952, provided relief for sellers of food products in the Territory of Hawaii who, because of the maritime strike on the west coast of the United States necessarily incurred increased shipping costs because some food products covered by CPR 69, Revision 1, have to be shipped from ports in the continental United States other than the west coast ports. That supplementary regulation permitted the sellers to pass through any increase in overland or ocean freight charges incurred by the transportation of such shipments.

Inasmuch as retail as well as wholesale sales were covered, compliance by retailers has been difficult because no provision was made for the wholesaler

to separately state such increased freight charges on his invoice to the retailer. This amendment provides that wholesalers must separately state on their invoices for each item sold, the amount of additional freight charges added to their ceiling price by authority of Supplementary Regulation 1 to CPR 69, Revision 1.

Because of the nature of this amendment, consultation with industry affected has not been practicable.

AMENDATORY PROVISIONS

1. Section 1 of Supplementary Regulation 1 to Ceiling Price Regulation 69, Revision 1, is amended by inserting at the end thereof the following new paragraph:

If you sell a commodity covered by this supplementary regulation for which a ceiling price is established by Article II of Ceiling Price Regulation 69, Revision 1, you must separately state on the invoice, for each item sold, the amount you have added to your ceiling price as authorized in this section.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup., 2154)

Effective date. This Amendment 1 to Supplementary Regulation 1 to Ceiling Price Regulation 69, Revision 1, is effective July 2, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 2, 1952.

[F. R. Doc. 52-7437; Filed, July 2, 1952; 4:52 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 43, Revision 1]

GCPR, SR 43—BOTTLED SOFT DRINKS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Revision 1 of Supplemeneary Regulation 43 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This revision of Supplementary Regulation (SR) 43 to the General Ceiling Price Regulation (GCPR) clarifies the manner in which retailers of soft drinks may adjust their ceiling prices to reflect higher costs of soft drinks. It also specifies the information which bottlers of soft drinks who sell new bottle sizes after January 25, 1951, have to report to the Office of Price Stabilization. Provision is also made for sales of soft drinks by wagon retailers. Finally, this revision allows a retailer whose supplier raised his prices during GCPR base period to reflect this increase under certain circumstances and makes certain editorial changes designed further to clarify the regulation.

The statements of considerations accompanying SR 43 and the amendments thereto are incorporated herein by reference. This statement of considerations will discuss only the changes in SR 43 made by this revision.

Tables to help in computing retail prices. Since the issuance of Amendment 2 to SR 43 to the GCPR, inquiries from the trade and from the press have indicated that there has been some confusion as to the effect of section 11 (c) of the GCPR on retail sales of soft drinks. Generally, section 11 (c) authorizes retailers to pass on the exact dollars-and-cents increases in their costs of commodities processed from agricultural commodities. In addition, section 22 of the GCPR requires the rounding of fractional parts of a cent. To dispel the confusion that has arisen in computation of these prices, section 4 (a) of this revision sets out in Table I the exact price which may be charged by those retailers of soft drinks whose ceiling price was 5 cents a bottle or less or 25 cents for six bottles prior to July 28, 1951, the effective date of SR 43. This table provides adjusted prices which have been calculated by applying section 11 (c) of the GCPR to retail sales prices of soft drinks. Fractions of a cent resulting from such an application have been rounded to the nearest cent. Retailers whose ceiling price for an individual bottle, prior to July 28, 1951, was more than five cents or whose ceiling price for six bottles was more than 25 cents or whose ceiling price for 24 bottles was more than one dollar prior to that date, may increase these ceiling prices only in accordance with Table II provided in section 4 (b). That table translates the cost increase for sales of an individual bottle, six bottles and 24 bottles in the same manner as is provided for the other retailers by Table I. Since the tabular adjustments provided for retailers in this regulation are based on section 11 (c) of the GCPR, retailers will no longer be permitted to adjust their soft drink ceiling prices under that section but, instead, will use the tables herein provided. This revision allows retailers whose net invoice cost per case of 24 bottles is at least 96 cents to charge 6 cents for the sale of a single bottle. As was pointed out in the Statement of Considerations to SR 43, the 96 cents cost is the one at which retailers have traditionally increased their prices for the sale of a single bottle from 5 to 6 cents and the Director has determined that this customary practice should be continued.

Bottlers who sell at retail and wagon retailers. As originally written, SR 43 made no provision for price increases by bottlers who sell at retail. As a result, many of these sellers have 5 cent prices for their sales of a single bottle at retail while retailers who buy from them may charge 6 cents. This revision permits bottlers to increase their prices by the same amount as may the retailers who buy from them.

This revision also makes provision for the few sellers who sell soft drinks at retail from their own trucks. In many cases the ceiling prices established by these sellers under the General Ceiling Price Regulation reflected ceilings no more than, and in some cases lower than, those established for other retail sellers, despite the fact that delivery costs make this method of distribution more expensive. In order that these sellers may be afforded relief they are allowed to take as their ceiling price the highest of (1) their GCPR price as determined under sections 3, 6, or 7 of that regulation, (2) their ceiling price as determined under section 4 of this regulation or (3) their net invoice cost per case of the soft drinks they are pricing plus 40 cents—a margin no greater than the prevailing level of margins in the trade and the lowest which will permit these sellers to stay in business.

Applications by retailers. Finally, this revision allows a retailer whose supplier raised prices during the GCPR base period and who did not in turn raise his prices to consumers, despite the fact that other customers of that supplier generally raised their prices, to apply to OPS for permission to increase his ceiling prices for flavors bought from that supplier to the level of ceiling prices generally established for other retail customers of that supplier.

FINDINGS OF THE DIRECTOR

In formulating this revision, the Director of Price Stabilization has consulted extensively with industry representatives, including trade association representatives, and has given full consideration to their recommendations. In his judgment, the ceiling prices established by this revision are generally fair and equitable, are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of that act.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Where this regulation applies.
3. Sales to wholesalers and retailers.
4. Sales by retailers.
5. Modification of proposed ceiling prices by Director of Price Stabilization.
6. Bottle deposit charges.
7. How to take account of taxes.
8. Sales by wagon retailers.
9. Application by retailers for adjustment.
19. Continued applicability of the General Ceiling Price Regulation.
11. Definitions.

AUTHORITY: Sections 1 to 11 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* This revised supplementary regulation permits wholesale sellers of soft drinks (see section 11, *Definitions*) whose ceiling prices prior to July 28, 1951, were below 96 cents for a case of 24 bottles to increase their prices 16 cents up to 96 cents a case. Moreover, this revision prescribes the method for determining the ceiling prices of bottle sizes of soft drinks not sold from December 19, 1950 through January 25, 1951, controls the manner in which retailers of soft drinks may reflect their increased costs of soft drinks, permits retailers to apply for adjustment under certain circumstances, authorizes the charging of bottle deposits not to exceed replacement costs, and,

finally, prescribes ceiling prices for sales by wagon retailers.

SEC. 2. *Where this regulation applies.* This regulation applies in the 48 States of the United States, its Territories and possessions and the District of Columbia.

SEC. 3. *Sales to wholesalers or retailers.* (a) If you sell soft drinks to wholesalers or retailers and have, pursuant to the General Ceiling Price Regulation, a ceiling price per case for sales to wholesalers or retailers below 96 cents for a case of 24 bottles, you may increase that price by adding to it 16 cents so long as your new ceiling price is not higher than 96 cents a case. You may not, however, increase that price until you send a notice by registered mail to the Soft Drink Section, Grocery Products Branch, Office of Price Stabilization, Washington 25, D. C., of your old ceiling price and your new ceiling price and the bottle sizes which you are pricing. If you have previously sent a notice to the Director of Price Stabilization as formerly required by section 6 (renumbered 5 by Amendment 2) of SR 43, that notice will satisfy the requirements of this section 3 (a).

For example: If your ceiling price is 75 cents a case, you may increase your ceiling price to 91 cents. But if your ceiling price is 84 cents, you may increase it only to 96 cents.

(b) This paragraph applies to you only if you bottle a soft drink.

(1) If, after January 25, 1951, you change the size of the bottle in which you sold a soft drink during the GCPR base period (Dec. 19, 1950–Jan. 25, 1951) and either discontinue selling the old size or continue to sell the old size and the new size, you will determine your ceiling price for the new bottle size by applying to your current unit direct cost of the new size the percentage markup you are currently receiving on the old bottle size. Your current unit direct cost for the bottle size being priced and for the old bottle size shall consist of the total unit direct labor and direct material cost for each. To determine your ceiling price you ascertain the percentage markup for the old bottle size by dividing its ceiling price, adjusted pursuant to paragraph (a) of this section, by its current unit direct cost. You determine your ceiling price on the new bottle size by multiplying your current unit direct cost for the new bottle size by this percentage markup. The ceiling price so determined remains your ceiling price on all subsequent sales, and you may not adjust that ceiling price pursuant to the provisions of paragraph (a) of this section.

(2) You may not sell a soft drink priced under this paragraph after August 1, 1952, unless and until you place in the mail a registered letter, addressed to the Soft Drink Section, Grocery Products Branch, Office of Price Stabilization, Washington 25, D. C., containing the following information:

(i) Your ceiling price per case (adjusted pursuant to paragraph (a) of this section) for the old bottle size.

(ii) The total direct material cost per case of the old bottle size.

(iii) The total direct labor cost per case of the old bottle size.

(iv) The total direct material cost per case of the bottle size you are pricing.

(v) The total direct labor cost per case of the bottle size you are pricing.

(vi) Your ceiling price per case for the bottle size you are pricing.

(c) You may, if you wish, simultaneously sell any flavor of soft drink in a bottle size priced under paragraph (a) of this section and a bottle size priced under paragraph (b) of this section.

SEC. 4. *Sales by retailers—(a) When retailer's ceiling prices were prior to July 28, 1951, 5¢ for a single bottle, 25¢ for 6 bottles, or $1 for a case of 24 bottles.* (1) If you sell soft drinks at retail and your ceiling price prior to July 28, 1951, was five cents for a single bottle of 6 to 12 ounces, your ceiling price per such bottle is the price shown in the following Table I in column 2 on the line which states the increase after July 27, 1951, in your net invoice cost per case for that soft drink. Regardless of the amount of increase in your current net invoice cost, you may charge 6 cents for the sale of a single bottle of 6 to 12 ounces when your net invoice cost per case of 24 such bottles is 96 cents.

(2) If your ceiling price prior to July 28, 1951, was 25 cents for 6, 6 to 12 ounce bottles, your ceiling price for 6 such bottles is the price shown in column 3 of Table I on the line which lists the increase after July 27, 1951 in your net invoice cost per case for that soft drink.

(3) If your ceiling price prior to July 28, 1951, was $1.00 for 24, 6 to 12 ounce bottles, your ceiling price for 24 such bottles is the price shown in column 4 of Table I on the line which lists the increase after July 27, 1951, in your net invoice cost per case of that soft drink.

(4) If you manufacture soft drinks and sell them both at retail and to persons who buy them for resale and if your ceiling price at retail prior to July 28, 1951, was five cents for a single bottle of 6 to 12 ounces, 25 cents for 6 such bottles, or $1.00 for 24 such bottles, as the case may be, your ceiling price for each of these quantities of that soft drink shall be as computed pursuant to the subparagraphs (1), (2) or (3), of this paragraph whichever is applicable. For the purpose of this computation, the weighted average increase in your prices after July 27, 1951, which you charge your customers who purchase cases of 24 such bottles for resale shall be considered the "increase after July 27, 1951 in your current net invoice cost" as stated in the heading of column 1 of Table I and shall determine the appropriate line in column 1 which shows your retail ceiling price for each of the quantities mentioned. Regardless of the amount of increase in the current net invoice cost to your customers who purchase for resale, you may charge 6 cents for the retail sale of a single bottle of 6 to 12 ounces when the weighted average net invoice cost per case of 24 bottles of that soft drink to your customers who purchase for resale is 96 cents.

TABLE I

Increase after July 27, 1951, in your current net invoice cost per case of 24, 6 to 12 ounce bottles	Your retail ceiling prices are as follows:		
	Per bottle of 6 to 12 ounces (when less than 6 bottles sold)	Per 6, 6 to 12 ounce bottles	Per 24, 6 to 12 ounce bottles
(1)	(2)	(3)	(4)
Cents	*Cents*	*Cents*	
1	5	25	$1.01
2	5	26	1.02
3	5	26	1.03
4	5	26	1.04
5	5	26	1.05
6	5	27	1.06
7	5	27	1.07
8	5	27	1.08
9	5	27	1.09
10	5	28	1.10
11	5	28	1.11
12	6	28	1.12
13	6	28	1.13
14	6	29	1.14
15	6	29	1.15
16	6	29	1.16

(b) *When retailer's ceiling prices were, prior to July 28, 1951, more than 5¢ for a single bottle, 25¢ for 6 bottles, or $1 for a case of 24 bottles.* (1) If you sell soft drinks at retail and your ceiling price prior to July 28, 1951, was more than five cents for a single bottle of 6 to 12 ounces, the amount which you may increase your pre-July 28, 1951, ceiling price per bottle of 6 to 12 ounces is the amount shown in the following Table II in column 2 on the line which lists the increase after July 27, 1951, in your current net invoice cost per case.

(2) If your ceiling price prior to July 28, 1951, for sales of 6, 6 to 12 ounce bottles was more than 25 cents, the amount by which you may increase your pre-July 28, 1951 ceiling price per 6 such bottles is the amount shown in the column 3 of the following Table II on the line which lists the increase after July 27, 1951, in your current net invoice cost per case.

(3) If your ceiling price prior to July 28, 1951, per 24, 6 to 12 ounce bottles was more than $1.00, the amount by which you may increase your pre-July 28, 1951 ceiling prices per 24 such bottles is the amount shown in column 4 of the following Table II on the line which lists the increase after July 27, 1951, in your current net invoice cost per case.

(4) If you manufacture soft drinks and sell them both at retail and to persons who buy them for resale and if your ceiling price at retail prior to July 28, 1951, was more than five cents for a single bottle of 6 to 12 ounces, more than 25 cents for 6 such bottles, or more than $1.00 for 24 such bottles, as the case may be, the amount by which you may increase your pre-July 28, 1951, ceiling price for each of these quantities of that soft drink shall be as computed pursuant to the subparagraphs (1), (2), or (3) of this paragraph whichever is applicable. For the purpose of this computation, the weighted average increase in your prices after July 27, 1951, which you charge your customers who purchase cases of 24 such bottles for resale shall be considered the "increase after July 27, 1951, in your current net invoice cost" as stated in the heading of column 1 of Table II

and shall determine the appropriate line in column 1 which shows your retail ceiling price for each of the quantities mentioned.

TABLE II

Increase after July 27, 1951, in your current net invoice cost per case of 24, 6 to 12 ounce bottles	Your retail ceiling prices prior to July 28, 1951, are increased by the following amounts:		
	Per bottle of 6 to 12 ounces (when less than 6 bottles sold)	Per 6, 6 to 12 ounce bottles	Per 24, 6 to 12 ounce bottles
(1)	(2)	(3)	(4)
Cents	*Cents*	*Cents*	*Cents*
1	0	0	1
2	0	1	2
3	0	1	3
4	0	1	4
5	0	1	5
6	0	2	6
7	0	2	7
8	0	2	8
9	0	2	9
10	0	3	10
11	0	3	11
12	1	3	12
13	1	3	13
14	1	4	14
15	1	4	15
16	1	4	16

(c) *Sale of more than 6 and less than 24 bottles.* Your ceiling price to one buyer at one time of 12 or 18, 6 to 12 ounce bottles, is your ceiling price for 6 bottles, multiplied by two or three, respectively. Your ceiling price for sales to one buyer at one time of other quantities between 6 and 24 bottles is your ceiling price for 6, 12, or 18 such bottles, respectively, plus your ceiling price for the number you are selling in excess of 6, 12, or 18 such bottles, respectively.

SEC. 5. *Modification of proposed ceiling prices by Director of Price Stabilization.* The Director of Price Stabilization may at any time disapprove or revise upward or downward ceiling prices reported or proposed under this supplementary regulation so as to bring them into line with the level of ceiling prices otherwise established by this regulation.

SEC. 6. *Bottle deposit charges.* (a) If you are a manufacturer of soft drinks in bottles of any size, you may increase your deposit charges to an amount equal to, but not more than, your average current replacement cost for the type of bottle involved. You may, however, round off to the nearest higher cent a fraction of one-half cent or more in any deposit charge increased under this section.

(b) If you are a seller of soft drinks and your supplier has, pursuant to paragraph (a) of this section, increased his bottle deposit charge to you, you may increase your deposit charge to your purchasers in the same dollars-and-cents amount as your supplier has increased his charge to you.

SEC. 7. *How to take account of taxes.* If your ceiling price otherwise established under the General Ceiling Price Regulation includes any State or local excise, sales or other tax which attaches to soft drinks or to their individual sale, you may for purposes of determining whether you are entitled to one of the ceiling prices authorized under section 3 or 4 of this supplementary regulation, ignore the amount of the tax. You may, however, then re-add the amount of the tax to your new ceiling price if you are entitled to one. Whenever such a tax is decreased, you must from the effective date of the decrease, reduce your ceiling price by the amount of the decrease. The provisions of this section are in addition to those contained in section 20 of the General Ceiling Price Regulation.

SEC. 8. *Sales by wagon retailers.* If you sell soft drinks as a wagon retailer (see section 11, *Definitions*), your ceiling price per case of 24 bottles of the soft drink you sell and deliver to the homes of consumers will be the highest of the following prices:

(1) Your net invoice cost per case of the soft drink you sell plus 40 cents.

(2) Your ceiling price as determined under sections 3, 6, or 7 of the General Ceiling Price Regulation.

(3) Your ceiling price as determined under section 4 of this regulation.

SEC. 9. *Application by retailers for adjustment.* (a) If you sell soft drinks at retail; your supplier increased his price to retailers during the GCPR base period (December 19, 1950, through January 25, 1951); you paid that increased price during the GCPR base period and did not then increase your price for that soft drink for your sales at retail; and other competitive retailers who purchased from that supplier generally increased their prices for that soft drink prior to January 26, 1951, you may apply to the Soft Drink Section, Grocery Products Branch, Office of Price Stabilization, Washington 25, D. C., for permission to increase your ceiling price for that soft drink to the level of the ceiling prices of your competitors. You may not increase your ceiling price under this section until you receive the approval of the Office of Price Stabilization in writing. However, if you do not receive disapproval of your application or a request for further information from the Office of Price Stabilization within 30 days after sending by registered mail, return receipt requested, the information required by this section, you may assume that your application has been approved and may charge the increased ceiling price, unless and until you are advised otherwise or you are asked to furnish additional information. Your application must contain the following information:

(1) The name and address of your firm.

(2) The name and address of your supplier.

(3) The brand name, flavor, and bottle size of the soft drink for which you request an increased ceiling price.

(4) Your present ceiling price for that brand, flavor and bottle size of soft drink.

(5) The names and addresses of six other retailers who compete with you in the sale of that brand, flavor, and bottle size.

(6) Their and your prices for that soft drink during the GCPR base period (December 19, 1950, to January 25, 1951) and their current ceiling prices.

(7) The date during the GCPR base period on which your supplier raised his price for that brand, flavor and bottle size, his price before and after that increase, and his present price.

(8) Your proposed ceiling price for that brand, flavor, and bottle size of soft drink.

SEC. 10. *Continued applicability of General Ceiling Price Regulation.* All provisions of the General Ceiling Price Regulation, except as modified by this supplementary regulation, continue to apply to you even though you may be one of the sellers who are affected by this supplementary regulation.

SEC. 11. *Definitions.* (a) *Soft drinks.* (1) For purposes of this regulation, except sections 6, 7, 8, and 9 "soft drinks" means non-alcoholic beverages in bottles of 6 to 12 ounces, inclusive, whether flavored or unflavored, carbonated or uncarbonated. The term does not include, however, bottled water which is neither flavored nor carbonated, fresh milk drinks, or drinks consisting of fruit juices or vegetable juices where at least 85 percent by weight of the drink is fruit juice or vegetable juice or a mixture of both.

(2) For purposes of sections 6, 7, 8, and 9 of this regulation, "soft drinks" means soft drink as defined in the preceding paragraph (a), except that soft drinks in bottles of all sizes are included.

(b) *Wagon retailer.* A "wagon retailer" is a retailer whose sales are made to consumers at their homes from a truck. No retailer will be considered a wagon retailer for the purpose of this regulation unless at least 50 percent of his total dollar annual sales of all commodities consist of soft drinks or malt beverages or both.

Effective date. This revised regulation is effective July 2, 1952.

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 2, 1952.

[F. R. Doc. 52-7438; Filed, July 2, 1952; 4:52 p. m.]

[Ceiling Price Regulation 107, Correction of Amdt. 1]

CPR 107—CEILING PRICES FOR PULPWOOD AND EXCELSIOR BOLTS PRODUCED IN MICHIGAN, MINNESOTA AND WISCONSIN

CORRECTIONS

Several typographical errors occurred in connection with the issuance of Amendment 1. Accordingly, the following corrections are made:

1. The first sentence in paragraph 6 of the Statement of Considerations is corrected by changing the section reference for the definition of a trader from 16 (a) (15) to 16 (a) (18) so that this sentence reads as follows:

The definitions of a dealer in section 16 (a) (4) and of a trader in section 16 (a) (18) are amended to eliminate present requirements which specify that they must sell and deliver at least 5,000 and

500 cords respectively of pulpwood and excelsior bolts to which they have title during each operating season.

2. Section 2 (a) (3) is corrected to read as follows:

(3) *Pulpwood or excelsior bolts stored at railway landing by the seller at his option.* When you deliver pulpwood or excelsior bolts by truck or other conveyance to a buyer at your expense at a railway landing and put it in storage there at your option instead of loading it directly onto railroad cars, you shall deduct a per cord amount sufficient to cover the buyer's estimated cost of subsequently loading this wood on railroad cars, but in no event shall you deduct an amount less than 50 cents per cord from the ceiling price set forth in subparagraph (1) of this paragraph.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

ELLIS ARNALL,
Director of Price Stabilization.

JULY 3, 1952.

[F. R. Doc. 52-7465; Filed, July 3, 1952; 11:53 a. m.]

[Ceiling Price Regulation 154]

CPR 154—CEILING PRICES FOR CHARCOAL SOLD IN THE VIRGIN ISLANDS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Ceiling Price Regulation 154 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes dollar and cent ceiling prices for charcoal sold in the Virgin Islands of the United States.

Charcoal is the most important domestic fuel in the Virgin Islands. It is extensively used by the low-income group for cooking and for heating irons for ironing laundry, because of its relatively low cost. The islands of St. Croix and St. John produce sufficient charcoal to satisfy their needs. The island of St. Thomas, which is a deficit center, receives the bulk of its supply of this fuel from the neighboring British island of Tortola.

The price of charcoal in the Virgin Islands is governed principally by current wage rates paid for agricultural labor. This is explained by the fact that labor normally engaged in the production of charcoal, at least on a part-time basis, is during the harvesting season, attracted to more lucrative employment in sugarcane cultivation and harvesting due to the higher wages paid for this work. Consultation with members of the industry and with representatives of the Virgin Islands Corporation has disclosed that, although wages for agricultural workers have changed little for several years past, an appreciable increase was granted workers engaged in sugarcane cultivation during the spring of 1951. As a consequence, charcoal burners have appealed for an upward revision in the base period price of this fuel in order to guarantee its continued supply. The principal expenses involved in producing charcoal are labor, repair and maintenance of kiln, costs of transportation and bagging of the commodity. Labor and transportation are the two largest items in the expense of producing and delivering the commodity.

Charcoal prices on the island of St. Thomas have also advanced. This is due in part to the dislocation of normal wharfage facilities occasioned by improvements to the St. Thomas waterfront. Boats now discharging charcoal are obliged to unload at an out-of-town wharf, which is a considerable distance from the former landing terminal. As a consequence, truckage of the commodity for delivery to consumers within the city has advanced. These rates vary from $0.10 to $0.25 per whole bag, depending upon the distance to be traversed, and under the provisions of Ceiling Price Regulation 9, these cost increases may be passed on to the consumer.

Because of increased labor costs and the marginal nature of the industry, which make absorption difficult, practically all producers in the Virgin Islands have indicated a reluctance to continue in the production of charcoal under ceiling prices established by the General Ceiling Price Regulation. This regulation provides relief by allowing charcoal burners a pass-through of increased labor and transportation costs. It is believed that this will encourage the free flow of charcoal, which is an essential cost-of-living commodity in this territory.

During the base period of the General Ceiling Price Regulation, charcoal prices in St. Croix were $1.40 per whole bag and $0.70 per half bag for the grinding season, which usually lasts from January to July. During the off season, prices were $1.30 per whole bag and $0.65 per half bag. It has been determined that an increase of $0.10 per whole bag and $0.05 per half bag is necessary in order to adapt ceiling prices and price differentials to recent costs and market conditions.

Retail ceilings for St. Croix recognize customary seasonal price differences. Prices per whole bag are 10 cents higher during the harvesting season than during the off season, and prices per half bag are 5 cents higher.

The undelivered ceiling prices for charcoal sold on the island of St. Thomas are the same as the ceiling prices established by the General Ceiling Price Regulation. The delivery ceiling prices have been established according to zones in order to reflect increased transportation costs.

Retail ceiling prices for St. John are the same as the ceiling prices established by the General Ceiling Price Regulation. This island has a simple economy with no major industries. Hence, the wage scale has been stable for several years.

The establishment of dollar and cent ceilings for charcoal will give guidance to the consuming public; will facilitate enforcement of the regulation; and will accord equal treatment to all types of sellers.

In the judgment of the Director of Price Stabilization, the ceiling prices established by this regulation are generally fair and equitable, and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

In the formulation of this regulation, there has been consultation with large segments of the industry, including trade association representatives, and consideration has been given to their recommendations. Every effort has been made to conform this regulation to existing business practices, cost practices or methods, and means or aids to distribution. Insofar as any provision of this regulation may operate to compel changes in the business practices or methods or means or aids to distribution, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Geographical applicability.
3. Ceiling prices.
4. Petitions for amendment.
5. Adjustable pricing.
6. Posting.
7. Interpretations.
8. Prohibitions.
9. Evasions.
10. Supplementary regulations.
11. Deposit charges.
12. Definitions.

AUTHORITY: Sections 1 to 12 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR; 1950 Supp.

SECTION 1. *What this regulation does.* This regulation establishes retail dollar and cent ceiling prices for charcoal sold in the Virgin Islands of the United States.

SEC. 2. *Geographical applicability.* The provisions of this regulation shall apply only in the Virgin Islands of the United States.

SEC. 3. *Ceiling prices.* Retail ceiling prices for charcoal are established as follows, for the unit of measurement specified:

ISLAND OF ST. CROIX

Unit	Harvesting season		Nonharvesting season	
	Not delivered	Delivered	Not delivered	Delivered
Bag (or barrel)	$1.40	$1.50	$1.30	$1.40
Half bag	.70	.75	.65	.70
5-gallon kerosene tin	.30	.30	.30	.30
"Klim" tin (5 pounds net)	.08	.08	.08	.08
"La Pura" oleomargarine tin	.07	.07	.07	.07
Heap				

ISLAND OF ST. THOMAS

Unit	Not delivered	Delivered		
		Zone 1	Zone 2	Zone 3
Bag (or barrel)	$1.40	$1.50	$1.55	$1.65
Half bag	.70	.75	.80	.85
5-gallon kerosene tin	.30	.30	.30	.30
"Klim" tin (5 pounds net)	.08	.08	.08	.08
"La Pura" oleomargarine tin	.07	.07	.07	.08
Heap				

ISLAND OF ST. JOHN

Unit	Net delivered	Delivered
Bag (or barrel)	$1.30	$1.40
Half bag	.60	.70
5-gallon kerosene tin	.25	.25
"Klim" tin (5 pounds net)	.06	.06
"La Pura" oleomargarine tin	.07	.07
Heap		

The ceiling price of a heap shall be computed by applying proportionately the ceiling price of a 5-gallon kerosene tin to the size of the heap. "Harvesting season" commonly known as the "crop" season, covers the period from the beginning to the end of the sugarcane cutting operations for the sugar factory. The harvesting season varies depending upon the ripeness of the cane and the readiness of the factory to grind the cane and manufacture raw sugar. For the purpose of this regulation, the beginning and end of the "harvesting season" shall be determined by order of the Director of Region XIV of the Office of Price Stabilization by publication in the Federal Register. The current "harvesting season" shall be deemed to have begun on January 15, 1952.

SEC. 4. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, Revision 2.

SEC. 5. *Adjustable pricing.* Nothing in this regulation shall be construed to prohibit any person making a contract or offer to sell a product covered by this regulation at (a) the ceiling price in effect at the time of delivery or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. No person, however, may deliver or agree to deliver such product at a price to be adjusted upward in accordance with any increase in a ceiling price after delivery.

SEC. 6. *Posting.* On and after the effective date of this regulation, you must post in your establishment in a place and manner clearly visible to and understandable by your customers, the ceiling prices established for charcoal by this regulation.

SEC. 7. *Interpretations.* If you want an official interpretation of this regulation, you should write to the Territorial Counsel of the Office of Price Stabilization office in the Virgin Islands. Any action taken by you in reliance upon and in conformity with a written official interpretation will constitute action in good faith pursuant to this regulation.

SEC. 8. *Prohibitions.* On and after the effective date of this regulation, regardless of any contract or other obligation, you shall not sell or deliver, and no person shall buy or receive in the course of trade or business, any charcoal covered by this regulation at prices higher than the ceiling prices fixed by this regulation, and no person shall agree, offer, solicit, or attempt to do anything prohibited in this section.

SEC. 9. *Evasions.* Any means or device which results in obtaining indirectly a higher price than is permitted by this regulation is a violation of this regulation. This prohibition includes, but is not limited to, means or devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, upgrading, tie-in agreements and trade understandings.

SEC. 10. *Supplementary regulations.* The Director of Price Stabilization may issue supplementary regulations modifying or supplementing this regulation as he deems appropriate.

SEC. 11. *Deposit charges.* The maximum deposit for a bag (container) that may be required of a purchaser at retail by a seller is ten cents ($0.10). This deposit charge is to be refunded by the seller upon the presentation of the same or a similar bag by the purchaser.

SEC. 12. *Definitions.* (a) "Charcoal" means the carbonaceous residue of wood subjected to smothering combustion.

(b) "Delivered" means the physical delivery of charcoal by, or at the expense of the seller, to a place different from the location of the seller's business establishment and to a place from which the purchaser customarily receives delivery.

(c) "Harvesting season" is defined in section 3.

(d) "Sale at retail" means a sale or selling to an ultimate consumer, including hospitals, religious, educational or charitable institutions, whether by a producer or non-producer of charcoal.

(e) "Units of measurement" means the following:

Container	U. S. dry quarts	Capacity	
		Bushels	Number of kerosene tins
Bag (or barrel)	103.2	3.20	6.00
Half bag	51.6	1.60	3.00
Kerosene tin (5 liquid gallons)	17.2	.540	1.00
"Klim" powdered milk tin (5 pounds net)	3.4	.11	.20
"La Pura" oleomargarine tin (5 pounds net)	2.4	.08	.14

The dry measure of a 5-gallon kerosene tin is accurately defined. The specifications of other units are approximately proportionate. A "heap" varies in size as a fractional part of the capacity of a kerosene tin. The specifications of a "heap" may not be fixed exactly.

The term "5 liquid gallons" refers to the designated capacity of the container for kerosene.

The term "5 lbs net" refers to the capacity of the container designated for the product originally contained therein.

(f) "Zone" as used in section 3 of this regulation means the following specific part of the Island of St. Thomas: (1) Zone 1 includes the area from the West Indian Company Dock to Hospital Ground and all streets within King's Quarter; (2) Zone 2 includes the area from the United States Post Office westward to George Washington School; (3) Zone 3 includes the area from Altona to Bourne Field.

Effective date. This Ceiling Price Regulation 154 is effective July 8, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 3, 1952.

[F. R. Doc. 52-7466; Filed, July 3, 1952; 11:54 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-43, as Amended July 3, 1952]

M-43—CONSTRUCTION MACHINERY: DISTRIBUTION

This amended order is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected, in advance of the issuance of this amended order, has been rendered impracticable by the fact that the order affects a substantial number of different trades and industries.

Section 5 is modified so as to change the limitation for acceptance of rated orders. A new section 6 is added limiting the types of rating which may be used to obtain construction machinery and providing a procedure whereby persons who cannot obtain construction machinery at the time needed without a rating may apply for authority to use a rating. Sections 6 through 12 are redesignated 7 through 13 respectively. Sections 9, 10, and 12, as redesignated, are changed to conform to comparable provisions in other NPA orders and regulations. List A is amended to bring it up to date. A new List B is added showing the claimant agencies and outlining their respective programs.

REGULATORY PROVISIONS

Sec.
1. What this order does.
2. Definitions.
3. Required delivery dates.
4. Rejection of rated orders.
5. Limitation for acceptance of rated orders.
6. Limitation on use of ratings.
7. Effect of this order on NPA Reg. 2.
8. NPA assistance in placing rated orders.
9. Scheduled programs.
10. Request for adjustment or exception.
11. Records and reports.
12. Communications.
13. Violations.

AUTHORITY: Sections 1 to 13 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this order does.* This order applies particularly to producers of construction machinery and equip-

ment, as hereinafter defined, and provides rules for placing, accepting, and scheduling rated orders for such machinery and equipment. The purpose of this order is to provide for equitable distribution of such rated orders among producers, in order to reduce to a minimum the disruption of normal distribution. This order affects NPA Reg. 2 in various respects as hereinafter set out.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or any other government.

(b) "Construction machinery" means any type of construction machinery and equipment as listed and described in List A of this order, and includes parts of such machinery or equipment.

(c) "Producer" means a person engaged in the business of manufacturing construction machinery for sale as such.

(d) "Claimant agency" is a Government agency or NPA division shown in List B of this order.

(e) "NPA" means the National Production Authority.

SEC. 3. *Required delivery dates.* A rated order for construction machinery must specify delivery on a particular date or during a particular month, which in no case may be earlier than required by the person placing the order. The producer shall schedule the order for delivery within the requested month as close to the requested delivery date as is practicable considering the need for maximum production.

SEC. 4. *Rejection of rated orders.* A producer need not accept a rated order which he receives less than 45 days prior to the first day of the month in which delivery is requested unless specifically directed to accept the order by NPA.

SEC. 5. *Limitation for acceptance of rated orders.* Unless specifically directed by NPA, no producer shall be required to accept rated orders for delivery in any one month for any one model of any type of construction machinery including parts, in excess of (a) 50 percent of his production schedule of that model for that month or (b) 50 percent of his average monthly shipments of that model during the 6-month period from January 1, 1950, through June 30, 1950, whichever is greater.

SEC. 6. *Limitation on use of ratings.* (a) On and after the effective date of this amended order, no person shall apply or extend a rating to obtain any item of construction machinery, except parts, unless the rating bears a program identification consisting of the letters A, B, C, or E, and one digit, or the program identification Z–1 or Z–2.

(b) Any person unable to obtain any item of construction machinery at the time he requires it and who is not authorized to use an A, B, C, E, or Z–2 rating for the purpose, may apply to NPA in accordance with this paragraph for the right to use a Z–1 rating. He shall apply to NPA through the appropriate claimant agency as shown in List B of this order or, if he is unable to determine the appropriate claimant agency, he may apply directly to NPA which will route the application to the appropriate claimant agency. Except as otherwise provided in this paragraph, application shall be made on Form NPAF–138C. Applicants whose appropriate claimant agency is the Canadian Division of NPA shall file on Canadian Department of Defence Production Form 57–3. Applicants whose appropriate claimant agency is the Office of International Trade or the Mutual Security Agency shall file on Form IT–835. Each application shall state the amounts, makes, models, sizes, and values of the machinery required, the end use to which the machinery will be put, the name of the prospective supplier, and the justification showing why the use of a rating is in the public interest, or in the interest of the national defense, and what efforts, if any, have been made to obtain the machinery without a rating.

(c) No applicant shall, within 1 year of his acquisition of any construction machinery obtained pursuant to an application granted in accordance with this section, sell or otherwise dispose of that machinery without written approval of NPA or of the claimant agency through which application was made: *Provided, however,* That the provisions of this paragraph shall not apply to machinery acquired as the result of any application filed on Form IT–835.

(d) No producer of construction machinery shall treat as a rated order any order received by him after the effective date of this amendment for any item of construction machinery, except parts, unless it bears a rating permitted by this section.

SEC. 7. *Effect of this order on NPA Reg. 2.* To the extent that the provisions of this order, and particularly the provisions of sections 4 and 5 hereof, are in conflict with the provisions of NPA Reg. 2, the provisions of this order shall prevail. Otherwise, the provisions of NPA Reg. 2 shall continue to apply to the construction machinery industry.

SEC. 8. *NPA assistance in placing rated orders.* Any person who is unable to place a rated order for construction machinery due to the limitations imposed by section 5 of this order should apply to NPA, Ref.: M–43, specifying the producers who refused to accept the order. NPA will arrange to assist him in locating sources of supply.

SEC. 9. *Scheduled programs.* NPA may from time to time approve scheduled programs calling for the production and delivery of one or more types of construction machinery over specified periods of time. Upon approval of any such program, a supplement or supplements to this order will be issued, describing the program and specifying the manner in which it shall be carried out by persons affected thereby.

SEC. 10. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 11. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 12. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M–43.

SEC. 13. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in ac-

cordance with the Federal Reports Act of 1942.

This order as amended shall take effect July 3, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

LIST A OF NPA ORDER M-43

Bituminous equipment:
- Asphalt plants.
- Distributors.
- Heaters.
- Kettles.
- Mixers.
- Pavers.
- Spreaders, aggregate.

Blades; grader, dozer, scraper, snow plow.
Catch basin cleaners.
Concrete equipment:
- Batchers and batch plants.
- Bins.
- Buckets.
- Chutes.
- Curb and gutter machines.
- Cutting machines, except masonry.
- Dryers, aggregate.
- Finishers.
- Forms, metal, re-usable.
- Graders, sub and fine.
- Heaters.
- Hoppers.
- Jacks, slab-raising.
- Mixers, including mortar.
- Pavers.
- Placers.
- Spreaders.
- Towers.
- Vibrators.

Cranes, shovels, and draglines:
- Buckets and dippers.
- Cranes, construction.
- Cranes, locomotive and rail-truck mounted.
- Cranes, railway, wrecking.
- Crane, shovel and dragline attachments.
- Draglines, construction.
- Draglines, walking.
- Grapples, crane.
- Pile drivers and hammers.
- Shovels, power.
- Teeth, bucket.

Crushing, screening and washing equipment (portable):
- All types, except food.

Derricks, except oil and gas well.
Discs, wheel-mounted or harrow, construction.
Dredging machinery, except dredge pipe.
Drilling equipment:
- Augers, earth, power-driven.
- Bits, air drill, removable.
- Pipe pushers, power-driven.
- Rock drills, air, incl. drifters and stopers.
- Tools, air, contractors.

Flushers, street.
Graders:
- Elevating.
- Pull-type.
- Self-propelled.
- Maintainers.

Grader-mounted equipment.
Haulage units, off-highway:
- Rear-dump trucks.
- Wheel tractors 70 h. p. and over.

Hoists, contractors.
Loaders:
- Bucket, elevating.
- Elevating, shoulder-type.
- Tractor-mounted.

Rollers and compactors, all types.
Rippers, rooters and scarifiers, drawn.
Scrapers, self-propelled and pull.
Snow plows, all types.
Sweepers and leaf collectors, self-propelled and drawn.
Teeth; bucket, ripper, and scarifier.
Tractors, crawler.
Tractor-mounted equipment:
- Dozers, power-control units, cranes, shovels, side-booms, back-hoes, loaders, scarifiers, winches, and draglines.

Traffic line marking equipment.
Trailers, construction, off-highway:
- Bottom, rear, and side dump, crawler or wheel-type.
- Logging arches.

Trenchers, all types.
Well points, construction.
Wheels, crawler.

LIST B OF NPA ORDER M-43

CLAIMANT AGENCIES AND RESPONSIBILITIES

Agency	Address	Programs and areas of responsibilities
Department of Defense, Department of the Navy, Department of the Army, Department of the Air Force, Associated Agencies of the Department of Defense (National Advisory Committee for Aeronautics, etc.)	Local representative and/or contracting officer of the military department or associated agencies of Department of Defense concerned, from whom you received your government contracts.	The programs of the Department of Defense.
Department of the Army, Corps of Engineers, Panama Canal Co.	District Office, District Engineer, Corps of Engineers.	Civil construction projects under the Department of the Army, except projects having electric power generating capacity or facilities not specifically exempted by the Administrator of Defense Electric Power Administration; the Panama Canal; and the Panama Railroad.
Atomic Energy Commission	Appropriate operations office of the Atomic Energy Commission.	The Atomic Energy Commission with respect to the programs of that agency, including programs for the account of or sponsored by that agency.
Federal Civil Defense Administration.	Federal Civil Defense Administration, Washington 25, D. C.	Buildings, structures, or projects which are to be used exclusively for civil defense purposes, except such structures which are federally owned on Federal property under the control of the Atomic Energy Commission.
Federal Security Agency	Federal Security Agency, Washington 25, D. C.	All school, museum, and library construction; hospital and health facility housing; college and educational institution housing; all hospital and health facility construction other than the Veterans' Administration and military hospitals; all other health and sanitation programs including refuse disposal systems and free-standing incinerators (but not water supply and sewer construction programs), and excluding such types of construction which are federally owned on federally owned property under the control of the Atomic Energy Commission, and such types of construction on military reservations.
General Services Administration.	General Services Administration, Washington 25, D. C.	Requirements for the needs of all Federal Government agencies not covered otherwise for common-use items listed in the GSA Stores Stock Catalog, or procured under Federal Supply Schedule contracts, or otherwise designated as common-use items by the Administrator of General Services, except for such items specifically designated for the Secretary of Defense by agreement between the Secretary of Defense and the Administrator; and requirements for Federal buildings not elsewhere designated.
Defense Materials Procurement Agency.	Defense Materials Procurement Agency, Washington 25, D. C.	Production and processing of the metals and minerals listed in column I of Appendix A of NPA Delegation 5 by or in the respective facilities listed in column III of that appendix.
Veterans' Administration	Veterans' Administration, Washington 25, D. C.	The hospital program of the Veterans' Administration.
Housing and Home Finance	Housing and Home Finance Agency, Washington 25, D. C.	All public and private housing not specifically covered above in this table, including housing under Public Law 211, 81st Congress (Wherry Act) for the Atomic Energy Commission.
Department of Agriculture	County Office, Production and Marketing Administration, Department of Agriculture.	(1) Food and fiber production, including construction of farm ponds and lakes and clearing, draining, reclaiming and conserving land for agricultural purposes, and (2) Food processing and distribution within the limits of the memorandum of agreement between the Administrator of the Production and Marketing Administration and the Administrator of the National Production Authority (NPA) (16 F. R. 3410) as from time to time amended or supplemented.
Department of the Interior	Department of the Interior, Washington 25, D. C.	Facilities for departmental programs of the Department of the Interior.
Department of the Interior	Defense Solid Fuels Administration, Department of the Interior, Washington 25, D. C.	Facilities for the production, preparation, and processing of solid fuels.
Department of the Interior	Defense Fisheries Administration, Department of the Interior, Washington 25, D. C.	Facilities for the production and processing of fishery products.
Department of the Interior	Defense Electric Power Administration, Department of the Interior, Washington 25, D. C.	Facilities for the generation, transmission, and distribution of electric power.
Department of the Interior	Petroleum Administration for Defense, Department of the Interior, Washington 25, D. C.	Facilities for the production, processing, refining, and distribution of petroleum and gas, and facilities for the production, processing, and distribution of the products listed in Appendix A of NPA Delegation 9 (but not filling stations).
Defense Transport Administration.	Defense Transport Administration, Washington 25, D. C.	Domestic transportation, except programs designated for the Secretary of Commerce; storage; and port facilities.
Department of Commerce	Department of Commerce, Washington 25, D. C.	Maritime Administration programs for coastwise, inter-coastal, and overseas shipping, and merchant ship construction and repair; other Departmental programs, except Office of International Trade and National Production Authority programs.

LIST B OF NPA ORDER M-43—Continued

CLAIMANT AGENCIES AND RESPONSIBILITIES—continued

Agency	Address	Programs and areas of responsibilities
Department of Commerce, Bureau of Public Roads.	State Highway Department, (for reference to District Office, Bureau of Public Roads).	Bureau of Public Roads programs for highway construction and maintenance of all rural and urban highways, streets, highway equipment, repair shops, bridges, tunnels, toll road facilities, and appurtenant installations, publicly owned parking facilities incident to a highway or street, regardless of financing, but not garages, filling stations, restaurants, or other commercial facilities; air navigation facilities; civil airports; shipyards.
Department of Commerce.....	Civil Aeronautics Administration, Department of Commerce, Washington 25, D. C.	Civil aviation programs for which the Civil Aeronautics Administration and the Civil Aeronautics Board are responsible, including air navigation facilities, civil airports, new civil aircraft and concurrent spares, for air carrier and nonair carrier aircraft, and maintenance, repair, and operation of equipment and facilities.
Department of Commerce.....	Office of International Trade, Department of Commerce, Washington 25, D. C.	All exports not elsewhere designated.
Mutual Security Agency.....	Mutual Security Agency, Washington 25, D. C.	Requirements for all nonmilitary exports to MSA countries, exports for additional military production under the Mutual Defense Aid Program and common-use items under other approved military programs.
National Production Authority..	Office of Civilian Requirements, National Production Authority, Washington 25, D. C.	State and local governments, general contractors, subcontractors, and equipment rental contractors, unless the construction machinery is to be used only in connection with a program or programs under the jurisdiction of another agency on this list.
National Production Authority..	Facilities and Construction Bureau, National Production Authority, Washington 25, D. C.	Construction programs for State and local community facilities not elsewhere specifically designated, such as fire and police, penal and administrations; wholesale, retail, and service trades; religious institutions; private industrial facilities not elsewhere designated; and private social recreational activities.
National Production Authority..	Canadian Division, National Production Authority, Washington 25, D. C.	Canadian programs.
National Production Authority..	Water Resources Division, National Production Authority, Washington 25, D. C.	Facilities for ground and surface water supplies: transmission, pumping, treatment, storage, and distribution, for domestic and industrial use; facilities for domestic and industrial liquid, water, sewage collection, transmission, pumping, treatment, and disposal.
National Production Authority..	National Production Authority, Washington 25, D. C.	Facilities for the manufacture of the particular products assigned to each division as shown in the Official Product Assignment Directory published by NPA.

[F. R. Doc. 52-7461; Filed, July 3, 1952; 11:28 a. m.]

[NPA Order M-1, as Amended July 3, 1952]

M-1—IRON AND STEEL

This order, as amended, is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this order as originally issued and in the formulation of certain of its amendments, there was consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations. In the formulation of this order as amended July 3, 1952, consultation with industry representatives has not been practicable.

This order, as hereby amended, affects NPA Order M-1, dated February 1, 1952, as follows:

Various sections of the order are amended to delete the word "controlled" from the phrase "controlled steel mill products," where appropriate, in order to conform the language of these sections to Table I; a new definition (c) is added to section 2; a new paragraph (b) is added to section 3; paragraph (e) of section 8 is deleted; Table I is amended; and other editorial changes are made throughout the order to conform the language to Table I as herein amended.

Sec.

AUTHORITY: Sections 1 to 17 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61, 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this order does.* This order requires producers of steel mill products to file monthly data and suggestions as to future production. It requires authorization of production by the National Production Authority, and contemplates such authorization of production for shipments for further conversion, but makes provision for such shipments pending issuance of allocation directives for further conversion. It requires separate reports to be filed in connection with the production of steel castings (which are a controlled material). It contains certain provisions with respect to the acceptance of orders by producers and permits producers to deliver controlled steel mill products to other producers for resale without further conversion. It also provides for lead times and minimum orders.

SEC. 2. *Definitions.* As used in this order: (a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or any other government.

(b) "Products" means those iron or steel products listed under column A of Table I of this order. This term includes clad and coated products when clad or coated by a producer.

(c) "Steel mill products" means those steel products listed under parts A-I and A-II of Table I of this order.

(d) "Controlled steel mill products" means those steel products listed under part A-I of Table I of this order and which are listed in Schedule I of CMP Regulation No. 1. The term as used in this order does not include steel castings.

(e) "Producer" means a person who produces one or more products, as defined in paragraph (b) of this section. This term shall not include further converters, as defined in paragraph (n) of this section, located in the Dominion of Canada or any province thereof.

(f) "Carbon steel (including wrought iron)" means any steel customarily so classified and also includes: (1) All grades of electrical sheet and strip; (2) low-alloy, high-strength steels; and (3) clad and coated carbon steels not included with alloy steels, e. g., galvanized, tin, terne, copper (excluding copper wire mill products) or aluminum clad and/or coated carbon steels. "Low-alloy, high-strength steels" means only the proprietary grades promoted and sold for this purpose, and Navy high-tensile steel grade HT Specification Mil-S-16113 (Ships).

(g) "Alloy steel" means steel containing 50 percent or more of iron or steel and any one or more of the following elements in the following amounts: Manganese, maximum of range in excess of 1.65 percent; silicon, maximum of range in excess of 0.60 percent (excepting electrical sheet and strip); copper, maximum of range in excess of 0.60 percent; aluminum, boron, chromium, cobalt, columbium, molybdenum, nickel, tantalum, titanium, tungsten, vanadium, zirconium, or any other alloying elements in any amount specified or known to have been added to obtain a desired alloying effect. Clad steels which have an alloy-steel base or carbon steel for which nickel and/or chromium is contained in the coating or cladding material (e. g., inconel, monel, or stainless) are alloy steels.

(h) "Stainless steel" means heat- and corrosion-resisting steel containing 50 percent or more of iron or steel and 10 percent or more of chromium whether with or without nickel, molybdenum, or other elements.

(i) "Non-nickel-bearing stainless steel" means a stainless steel containing less than one percent of nickel.

(j) "Steel castings" means any steel, except ingots, which retains its shape by having the molten metal poured into a mold.

(k) "Stainless steel castings" means any steel casting which is heat-, corrosion-, or abrasion-resistant, containing 50 percent or more of iron and 8 percent or more of chromium with or without nickel, molybdenum, or other alloying elements.

(l) "Production directive" means a directive issued by NPA to a producer approving, or authorizing, the production by him of the tonnages of products mentioned therein.

(m) "Suggested production directive," as applied to steel mill products in Form NPAF-100, means the tonnages of steel mill products suggested to be shipped commencing with a given month, a statement of which is contained in column (n) of Form NPAF-100.

(n) "Further conversion" means the further processing of one steel mill product into another steel mill product for resale. This term does not include conversion steel handled pursuant to Direction 8 of CMP Regulation No. 1.

(o) "Further converter" means a producer who receives a steel mill product from a producer supplier for further conversion and who, by further processing, converts such steel mill product into another steel mill product for resale. This term shall include any further converter domiciled in, or incorporated under the laws of, the Dominion of Canada or any province thereof.

(p) "Producer supplier" means a producer of a steel mill product who ships the same to a further converter for further conversion.

(q) "Base period" means the period commencing January 1, 1950, and ending September 30, 1950.

(r) "Base tonnage" means the average monthly shipments of any one steel mill product made by any one producer supplier during the base period to any one further converter customer.

(s) "NPA" means the National Production Authority.

SEC. 3. *Authorized production.* (a) Producers shall produce controlled steel mill products for shipment only in accordance with (1) an NPA production directive, or (2) an authorized production schedule on an approved Form CMP-4B application.

(b) (1) Each producer shall comply with production directives or further converter allocation directives as originally issued, or as from time to time amended by NPA.

(2) In any case where a producer is of the opinion that the filling of an order which he is required to accept pursuant to this order would substantially reduce his over-all production owing to the large or small size of the order, unusual specifications, or otherwise, he shall notify the Iron and Steel Division setting forth the pertinent facts. NPA may direct that the order be placed with another producer or take other appropriate action.

(3) In any case where NPA determines that the filling of an order, or particular classes of orders, accepted by a producer for shipment in a specific month, would substantially interfere with that producer's maximum utilization of his production facilities to meet required defense and defense-supporting orders, NPA may direct that any such order, or classes of orders, be deferred, and further direct, if the customer and producer consent, that any such order or classes of orders be placed with one or more other producers.

SEC. 4. *How producers apply for a production directive or a production schedule.* (a) Not later than the fifteenth day of each calendar month, each producer of a steel mill product (except those producers specifically instructed by NPA to file Form CMP-4B applications) is hereby required to file with NPA a Steel Producer's Monthly Production Directive Report on Form NPAF-100. NPA may make such changes, modifications, deletions, or additions in the tonnage specified by any suggested production directive heretofore or hereafter filed on Form NPAF-100 as in its discretion may seem necessary, advisable, or appropriate. February 1952 is the production month for reports on Form NPAF-100 filed by December 15, 1951. Each producer will receive a production directive from NPA on or before the fifth day of the month preceding the production month.

(b) Certain producers of steel mill products, whose principal business is other than that of a steel mill, may be instructed by NPA to apply for steel, to be used for further conversion, on a Form CMP-4B, instead of on a Form NPAF-100. In any such case NPA will issue an authorized production schedule and a related allotment bearing the prefix symbol "FC," based on such Form CMP-4B. A producer who receives an allotment on Form CMP-4B shall not be considered to be a further converter for the purposes of sections 5 and 6 of this order.

(c) Not later than the fifteenth day of each calendar month, each producer of a steel mill product is hereby also required to file with NPA a Steel Producer's Monthly Report of Shipments and Past Due Orders on Form NPAF-17 in the manner prescribed in that form.

SEC. 5. *Applications by further converters.* Any further converter who has heretofore filed Form NPAF-100, and who continues to file that form by the fifteenth day of each calendar month, will be deemed to have filed an application with NPA for an allocation of steel mill products required by him for further conversion. NPA may make such changes, modifications, or deletions in the tonnage applied for by such further converter as in its discretion may seem necessary, advisable, or appropriate. Upon completion of the review of the further converter's application, NPA may transmit a further converter allocation directive by mail or telegram to the producer supplier of the steel mill products applied for and transmit a copy thereof to the further converter. The further converter allocation directive will require a producer supplier to make shipment to the further converter of the steel mill products applied for and approved by NPA. Any producer supplier who receives a further converter allocation directive requiring him to allocate tonnage to any one or more further converters shall make allocations pursuant to such further converter allocation directive and shall cease to make shipments to such further converter pursuant to section 6 of this order. Any producer supplier who fails to receive a further converter allocation directive requiring him to allocate tonnage to any one or more further converter customers by the tenth day of the month preceding the production month shall continue to make shipments to such further converter customers under section 6 of this order. When allocations are made to all of his further converter customers by a producer supplier pursuant to further converter allocation directives, section 6 of this order will be no longer applicable to such producer supplier.

SEC. 6. *Shipments to further converters.* (a) Each producer supplier who is not subject to the provisions of section 5 of this order is hereby required to accept purchase orders from his further converter customers for shipments of steel mill products to the extent provided in this section. Each producer supplier must accept purchase orders calling for shipments in any one month of any one or more of the steel mill products, which were shipped by him to each further converter customer during the base period, up to a minimum of not less than:

(1) 100 percent of the base tonnage of steel mill products required for the production of cold-finished carbon steel bars;

(2) 90 percent of the base tonnage of steel mill products required for the production of each of the other carbon steel mill products (except carbon plates for line pipe);

(3) 85 percent of the base tonnage of steel mill products required for the production of stainless tubing (of which percentage a minimum of 80 percent shall be in the nickel grades, irrespective of the percentage of nickel grades of such tubing shipped during the base period);

(4) 85 percent of the base tonnage of steel mill products required for the production of each other stainless product (of which percentage a minimum of 15 percent shall be in the nickel grades, irrespective of the percentage of nickel grades of such products shipped during the base period);

(5) 100 percent of the base tonnage of steel mill products required for the production of alloy cold-drawn bars (of which percentage a minimum of 25 percent shall be in the nickel grades, irrespective of the percentage of nickel grades of cold-drawn bars shipped during the base period); and

(6) 100 percent of the base tonnage of steel mill products required for the production of each other alloy product (of which percentage a minimum of 20 per-

cent shall be in the nickel grades, irrespective of the percentage of nickel grades of such products shipped during the base period).

(b) All orders placed by a further converter with a producer supplier must be for substantially the same product as was supplied to each further converter customer during the base period, except for minor variations in size and design. In determining the amount of the monthly allotments, adjustments may be made subject to NPA approval by a producer supplier, with the consent of the further converter customer involved, to provide for any abnormal situations which affect any products.

SEC. 7. *Steel castings.* (a) Not later than the tenth day of each calendar month, each producer of steel castings is hereby required to file with NPA a report on Form NPAF-118 in the manner prescribed in that form.

(b) Not later than the fifth day of each calendar month, each producer of armor castings is hereby also required to file with NPA a report of Shipments of Armor Castings on Form NPAF-141.

SEC. 8. *Acceptance or rejection of orders by producers.* (a) Each producer shall accept only the following classes of purchase orders for controlled steel mill products (including steel mill products for rerolling or redrawing purposes) and steel castings:

1. Orders pursuant to NPA directives;
2. Steel distributor orders under or in accordance with the provisions of NPA Order M-6A;
3. Further converter orders in accordance with the provisions of this order; and
4. Authorized controlled material orders.

Each producer shall accept the purchase orders mentioned in the preceding sentence for each product until his order books are filled for that product for a particular month, and pursuant to and in accordance with appropriate NPA orders or regulations. However, with respect to authorized controlled material orders, each producer shall have the option (subject to the provisions of subparagraph (1) of this paragraph) of determining which authorized controlled material orders or portions thereof he will accept and schedule for shipment without regard to dates of receipt of such orders: *Provided, however,* That no producer shall reject any authorized controlled material orders bearing allotment symbol A, B, C, or E, and a digit, or Z-2, unless his order books for a particular product are filled for that product for a particular month.

(1) Within the 15-day period immediately preceding the expiration of lead times, a producer shall accept and schedule for production all authorized controlled material orders offered to him until his order books for a particular product are filled for that product. During such 15-day period such orders shall be scheduled for production with precedence given to the orders received first.

(2) Each producer shall, within applicable lead times, accept orders for shipment of each controlled steel mill product in any month until such orders, together with all authorized controlled material orders already on hand for shipment during such month and all orders carried over from preceding months, plus (i) such orders as he has been directed by the NPA to ship, (ii) tonnages set aside for shipment to warehouses, and (iii) tonnages set aside for shipment to further converters, total not less than 110 percent nor more than 115 percent of the tonnage of such product to be produced pursuant to his production directive. When a producer has complied with the provisions of this paragraph, his books shall be deemed filled for a particular month for the product involved. Each producer shall promptly notify NPA, Iron and Steel Division, by telegram if, at the expiration of lead times, he has not received and accepted orders for at least 110 percent of his authorized production of any controlled steel mill product. Such notification shall include the amount of tonnage open for each such product.

(b) Each producer shall, after receipt of purchase orders tendered to him, promptly accept or reject all such orders. Receipt of an order shall not be deemed to have occurred until the order is received at the place where the steel producer usually processes such order. Upon such acceptance or rejection, he shall immediately notify, in writing or by telegram, the person who tendered the order of such acceptance or rejection. For the purpose of the first sentence of this paragraph, the word "promptly" shall be deemed to mean as quickly as possible, but in no event later than 13 consecutive calendar days after receipt, unless circumstances beyond the control of the steel producer shall render it impracticable to give notice as aforesaid, in which event the notice shall be given as quickly as possible thereafter. This paragraph is intended to give those persons whose orders have been rejected an opportunity to place their orders with other producers or distributors.

(c) Each producer shall open his order books for the acceptance of purchase orders for controlled steel mill products and steel castings for each calendar quarter not later than the number of days prior to the first day of the quarter as shown in the following schedule:

For products with a lead time of (days) (see Table I of this order):	*Books opened prior to first day of quarter, not later than (days)*
45	90
60	105
75	120
90	135
105	150
120	165

(d) A producer may open his order books for the purpose of accepting purchase orders for any calendar quarter as long in advance of such quarter as he may choose, but after his order books are opened he shall accept orders as provided for in this section.

SEC. 9. *NPA assistance in placing orders.* Any person who is unable to place an authorized controlled material order due to the provisions of section 8 of this order should apply to NPA on Form NPAF-148. NPA will arrange to assist him in locating other sources of supply.

SEC. 10. *Lead times.* A producer of products, as defined in section 2 (b) of this order shall not be required to accept an authorized controlled material order for controlled steel mill products or steel castings or a DO rated order for forgings or iron products which is not received by him prior to the expiration of the lead time set out under column B of Table I of this order opposite each such product. The lead time for any product is the number of days in advance of the first day of the month of shipment prior to which such purchase order must be placed with a producer.

SEC. 11. *Minimum orders.* No producer shall be required to accept a purchase order for a smaller amount of any item of a product for shipment at any one time to any one destination than the amount indicated in column C of Table I of this order opposite each such product.

SEC. 12. *Producer's shipments to other producers.* (a) A producer may ship a controlled steel mill product to another producer for resale provided such product is sold by the producer to whom it is shipped in the form and shape received, and without being further converted or processed.

(b) Any delivery order placed pursuant to paragraph (a) of this section shall bear the symbol X-5 and shall contain a certification in the following form:

X-5—Certified under NPA Order M-1

This certification shall be signed as provided in section 8 of NPA Reg. 2 and shall constitute a representation to the producer and to NPA that the person placing the order is duly authorized to place the order under the provisions of this section and to obtain the product covered thereby.

(c) A producer with whom an X-5 order is placed may reject the same, but shall not discriminate between regular customers in so doing. Such orders shall not constitute authorized controlled material orders unless and until accepted by the producer, but if accepted by him such orders are hereby specifically designated as authorized controlled material orders pursuant to section 2 (q) of CMP Regulation No. 1.

(d) The resale of controlled steel mill products purchased pursuant to this section shall be subject to all applicable NPA regulations and orders.

SEC. 13. *Relation to other NPA orders and regulations.* (a) All provisions of any NPA regulation or order are superseded to the extent that they are inconsistent with this order, but in all other respects the provisions of such regulations and orders shall remain in full force and effect.

(b) Products covered by this order are subject to the inventory provisions of CMP Regulation No. 2 in the case of controlled materials, and of NPA Reg. 1 for other products.

SEC. 14. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national de-

fense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 15. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this order shall make such records and submit such reports as are required by the provisions of this order, and such other reports, to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 16. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M–1.

SEC. 17. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect July 3, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

TABLE I OF NPA ORDER M-1—IRON AND STEEL PRODUCTS TO WHICH THIS ORDER APPLIES

Column A	Column B				Column C	
Name of product	Number of days in advance of first day of month in which shipment is required				Minimum quantity for each size and grade of any item for mill shipment at any one time to any one destination [1]	
	Carbon	Low-alloy high-strength	Stainless [2]	Alloy	Carbon	Alloy
	(1)	(2)	(3)	(4)	(1)	(2)
PART A						
STEEL MILL PRODUCTS						
I. Controlled Steel Mill Products						
Bar, bar shapes:						
Bar, hot-rolled, stock for projectile and shell bodies.	45	75	----------	[3] 75	(4)	(4).
Bar, hot-rolled, other (including light shapes).	[3] 45	[3] 75	90	[3] 75	(4)	(4).
Bar, reinforcing (straight lengths as rolled).	45	----------	----------	----------	5 net tons.	
Bar, cold-finished	[3] 75	[3] 105	105	[3] 105	5 net tons	5 net tons.
Sheet, strip (uncoated and coated):						
Sheet, hot-rolled	45	75	90	75	5 net tons	(4).
Sheet, cold-rolled	45	75	105	90	5 net tons	(4).
Sheet, galvanized	45	----------	----------	----------	(4)	
Sheet, all other coated	45	----------	----------	----------	(4)	
Sheet, enameling	45	----------	----------	----------	(4)	
Roofing, galvanized, corrugated, V-crimped channel drains.	45	----------	----------	----------	(4)	
Ridge roll, valley, and flashing	45	----------	----------	----------	(4)	
Siding, corrugated and brick	45	----------	----------	----------	(4)	
Strip, hot-rolled	45	75	90	75	3 net tons	(4).
Strip, cold-rolled	45	75	105	90	3 net tons	(4).
Strip, galvanized	45	----------	----------	----------	(4)	
Electrical sheet and strip	(5)	----------	----------	----------	(4)	
Tin mill black plate	45	----------	----------	----------	5,000 pounds.	
Tin plate, hot-dipped	45	----------	----------	----------	5,000 pounds.	
Ternes, special coated manufacturing	45	----------	----------	----------	----------	
Tin plate, electrolytic	45	----------	----------	----------	5,000 pounds.	
Plate:						
Rolled armor	(6)	(6)	----------	(6)	(4)	(4).
Continuous strip mill	45	75	90	75	10 net tons	(4).
Sheared, universal or bar mill	45	75	90	75	3 net tons	(4).
Structural shapes piling	45	[7] 75	[7] 150	90	(4)	(4).
Pipe, tubing: [8]						
Standard pipe (including type of couplings furnished by mill).	45	----------	120	----------	(9)	(9).
Oil country goods (casings, tubular goods, type of couplings furnished by mill).	45	----------	----------	60	(9)	(9).
Line pipe (including type of couplings furnished by mill)	45	----------	----------	----------	(9)	(9).
Pressure tubing—seamless and welded	[10] 60	----------	120	120	(11)	(11).
Mechanical tubing—seamless and welded	[10] 60	----------	120	120	(9)	(9).
Wire, wire products:						
Wire, drawn	45	75	90	75	(12)	(4).
Nails—bright steel wire, steel cut, galvanized, cement-coated, and painted.	45	----------	----------	----------	5 net tons [13]	
Spikes and brads—steel wire galvanized and cement-coated.	45	----------	----------	----------	5 net tons [13]	
Staples, bright and galvanized (farm and poultry).	45	----------	----------	----------	5 net tons [13]	
Wire rope and strand	45	----------	105	----------	(4)	
Welded wire mesh	45	----------	105	----------	(4)	
Woven wire netting	45	----------	105	----------	5 net tons [13]	
Barbed and twisted wire	45	----------	----------	----------	5 net tons [13]	
Wire fence, woven and welded (farm and poultry).	45	----------	----------	----------	5 net tons [13]	
Bale ties	45	----------	----------	----------	5 net tons [13]	
Coiled automatic baler wire	45	----------	----------	----------	5 net tons [13]	

[1] All stainless steel is by direct negotiation.
[2] Does not include non-nickel-bearing stainless steel.
[3] If annealed or heat-treated, add an additional 15 days.
[4] By negotiation between mill and its customer. If no acceptable arrangements are worked out, NPA should be notified.
[5] Round bars up to and including 3 inches, and squares, hexagons, half rounds, ovals, etc., of approximately equivalent section area—5 net tons. Round and square bars over 3 inches to, but not including, 8 inches—15 net tons. Bar size shapes (angles, tees, channels, and zees under 3 inches)—5 net tons.
[6] For electrical sheet and strip, use this table:

Grade	Lead time	Definition
Low	45	AISI M50, M43, M36.
Medium	45	AISI M27, M22, M19.
High	60	AISI M17, M15, M14 and oriented.

[7] Applies to special rolled shapes, including angles and channels.
[8] For operations commencing with Jan. 1, 1953, refers only to pipe, tubing, not exceeding 30" O. D.
[9] Published carload minimum (mixed sizes and grades).
[10] For welded tubing, 75 days.
[11] By negotiation, excepting seamless cold-drawn, for which use this table (O. D. in inches):

Up to ¾ inclusive	1,000 feet.
Over ¾ to 1½ inclusive	800 feet.
Over 1½ to 3 inclusive	600 feet.
Over 3 to 6 inclusive	400 feet.
Over 6	250 feet.

[12] Low carbon | 1 net ton.
High carbon (0.40 carbon and higher):

Under 0.021 inch	500 pounds.
From 0.021 inch to 0.0475 inch	1,000 pounds.
0.0475 inch and heavier	1 net ton.

[13] Quantity refers to any assortment of wire merchant trade products.

TABLE I OF NPA ORDER M-1—IRON AND STEEL PRODUCTS TO WHICH THIS ORDER APPLIES—Continued

Column A	Column B				Column C	
Name of product	Number of days in advance of first day of month in which shipment is required				Minimum quantity for each size and grade of any item for mill shipment at any one time to any one destination [1]	
	Carbon (1)	Low-alloy high strength (2)	Stainless [13] (3)	Alloy (4)	Carbon (1)	Alloy (2)
PART A—Continued						
STEEL MILL PRODUCTS—continued						
I. Controlled Steel Mill Products—Continued						
Tool steel (including die blocks and tool steel forgings)	[14] 60	----------	----------	[14] 90	500 pounds	500 pounds.
Other mill forms and products (not including forgings except for wheels):						
Ingots	45	75	75	75	25 net tons [15]	Product of one heat.
Billets, for projectile and shell bodies	45	75	----------	75	(16)	(16).
Blooms, slabs, other billets, tube rounds, sheet bars	45	75	75	75	25 net tons [15]	(16).
Skelp	45	----------	----------	----------	25 net tons [15]	
Wire rod	45	75	90	75	5 net tons	5 net tons.
Rails and track accessories (joint bars, tie plates, and track spikes)	45	----------	----------	----------	(16)	
Wheels, rolled or forged (railroad)	45	----------	----------	90	(16)	(16).
Axles, railroad	45	----------	----------	90	(16)	(16).
II. Other Steel Mill Products						
Non-nickel-bearing stainless steel	----------	----------	----------	----------	----------	----------
PART B						
Castings, steel (rough as cast)	[14] 60	[14] 90	[14] 90	[14] 90	(16)	(16).
PART C						
Forgings, rough as forged	90	120	120	120	(16)	(16).
PART D						
Iron products:						
Pig iron (not including iron with more than 6 percent silicon)	45	----------	----------	----------	Carload	
Malleable iron castings, rough as cast	60	----------	----------	----------	[17]	
Gray iron castings, rough as cast (excluding soil and pressure pipe and fittings)	60	90	----------	90	[17]	

[1] By negotiation between mill and its customer. If no acceptable arrangements are worked out, NPA should be notified.
[14] If cold-finished, add an additional 15 days.
[15] For forging quality, product of one heat. ("Heat" means 1 batch of metal made in one furnace.)
[16] Lead time applies to unmachined castings after approval of pattern for production.
[17] 2,000 pounds or less from any one pattern or mold, or a minimum production run by the producing foundry.

[F. R. Doc. 52-7460; Filed, July 3, 1952; 11:28 a. m.]

[NPA Order M-83 as Amended July 3, 1952]

M-83—MECHANICAL, HYDRAULIC, AIR, AND ELECTRICALLY OPERATED JACKS

This amended order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority of the Defense Production Act of 1950, as amended. In the formulation of this amended order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

NPA Order M-83 of August 31, 1951 (Effective Oct. 1, 1951), is affected by these amendments by rephrasing the records and reports provision, the requests for adjustment or exception provision, and the violations provision to conform to corresponding provisions in more recent NPA orders and regulations, and by revising Schedules A and B. As amended, NPA Order M-83 reads as follows:

Sec.
1. What this order does.
2. Definitions.
3. Standardization and simplification.
4. Request for adjustment or exception.
5. Records and reports.
6. Communications.
7. Violations.

AUTHORITY: Sections 1 to 7 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this order does.* The purpose of this order is to conserve by standardization and simplification the use of controlled materials, including carbon and alloy steel in such primary shapes and forms as cold-rolled bars, plates, tubing, and castings, required for the national defense. It applies particularly to producers of mechanical, hydraulic, air, and electrically operated jacks. The order prohibits the manufacture or assembly of all jacks not specifically listed in either one of the two annexed schedules, and it requires that certain of the jacks so listed conform to stated specifications and other standards. The limitations contained in the order do not apply to the manufacture of repair parts.

SEC. 2. *Definitions.* As used in this order:

(a) "Producer" means any person engaged in the manufacture or assembly of mechanical, hydraulic, air, or electrically operated jacks.

(b) "Jack" means any lifting, supporting, pulling, pushing, or bending device listed in Schedules A and B of this order, or any other device commonly known in the trade as a jack.

(c) "Capacity" means load-raising ability of the jacks, measured at the head or cap, through the entire working range from minimum to maximum height. This definition does not apply to wheel-type service or shop jacks or transmission jacks.

(d) "Defense agency" means the Department of Defense, the Atomic Energy Commission, or the United States Coast Guard of the United States Government.

(e) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(f) "NPA" means the National Production Authority.

SEC. 3. *Standardization and simplification.* (a) After September 30, 1951, no producer shall manufacture or assemble any jack not designated or described in Schedules A or B of this order.

(b) No producer shall manufacture or assemble any jack designated in Schedule A after September 30, 1951, unless it conforms to the specifications and other requirements set forth therein. The provisions of this paragraph do not apply to jacks listed in Schedule B.

(c) The provisions of this section shall not apply to jacks manufactured under contracts or orders for delivery to or for the account of a defense agency.

SEC. 4. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 5. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, produc-

tion, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 6. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M–83.

SEC. 7. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect July 3, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

SCHEDULE A OF NPA ORDER M–83

Item	Capacity (tons)	Number models permitted	Number sizes permitted per model	Closed height specifications (inches)
1. Ratchet lowering jacks (rigid base)	5	2	3	14 to 21.
	10	3	3	17 to 22.
	15	1	2	22 to 28.
	20	1	2	22 to 29.
2. Ratchet lowering jacks (hinged base)	15	1	1	22 to 23.
3. Ratchet lowering pole jacks	5	1	1	28 to 50.
	15	2	1	37 to 38.
4. Ratchet lowering cable reel jacks	5	1	1	20 to 21.
	10	2	2	24½ to 40.
5. Cable reel screw jacks	5	1	1	19¾ to 33.
6. Telescope screw jacks	1½	1	1	
	5	1	1	
	10	1	1	10 to 14.
	25	1	1	20 to 22.
7. Track or trip jack single acting	15	2	5	10½ to 20½.
8. Track or trip jack, double	15	1	1	22 to 22¾.
9. Combination trip and automatic lowering jacks	15	1	1	22 to 23.
10. Geared ratchet lowering jacks, single acting	25	3	1	26 to 28.
	35	1	1	27 to 28.
	50	1	1	27 to 28.
11. Journal jacks (standard speed)	15	1	2	7 to 10.
	25	1	1	10.
	35	1	1	10.
	50	1	1	10 to 17.
12. Jacks on traversing bases (complete units)	35	1	1	24.
13. Standard speed bevel gear screw jacks	¾	1	1	5 to 13.
	1	1	1	5¾ to 13.
	10	1	1	14.
	15	2	2	14 to 22.
	25	2	2	15 to 28.
	35	1	2	22 to 27.
	50	2	2	12 to 27.
	75	1	1	24 to 27.
14. Self-lowering bevel gear screw jacks	20	1	1	28.
	25	2	1	26 to 28.
	35	2	1	22 to 30.
	50	2	2	20 to 36.
	75	1	1	26.
	100	1	1	26.
15. Shoring or house-raising jacks		2	8	2-inch screw x 10 inches. Thread length, 8 inches to 15 inches.
16. Wheel type service or shop jacks—hydraulic or mechanical.	1¼	1	1	
	1½	1	1	
	2	1	1	
	4	1	1	
	10	1	1	
Wheel upright types—hydraulic or mechanical.	1½	1	1	
17. Power jacks (air and/or electrically operated)	20	1	1	28.
	25	1	1	31 to 75.
	35	1	1	26 to 30.
	50	1	2	28 to 37.
	80	1	1	30 to 100.
	100	1	1	26 to 44.
18. Hydraulic self-contained heavy duty jacks (hand operated).	1½	2	2	
	3	2	3	7 to 11.
	5	2	2	7 to 13.
	8	2	2	8 to 11.
	12	2	2	8 to 13.
	20	2	2	7½ to 27.
	25 or 30	2	2	7½ to 30.
	35	1	1	10 to 15¾.
	50 or 60	2	1	11 to 30.
	100	2	1	11 to 30.
	125	2	1	20 to 30.
	150	2	1	20 to 30.
	Screw diameter (inches)			
19. Bell bottom jack screws four-way head and/or ratchet head.	1½	1	4	8½ to 16½.
	1¾	1	3	11 to 16½.
	2	2	5	9½ to 18½.
	2½	2	3	12 to 23.

SCHEDULE B OF NPA ORDER M–83

The following types and models of mechanical and hydraulic jacks are not subject to standardization and simplification and may be manufactured or assembled without regard to Schedule A of this order.

Adapters and attachments, jacks.
Adjustable mine roof jacks.
Aircraft jacks, all types.
Anchor or hold down jacks.
Bolt pulling and/or forcing jacks.
Bumper jacks, hydraulic or mechanical.
Cable and wire extension jacks.
Farm utility jacks.
Independent pumps and rams.
Jacks: Designed as an integral part of special military equipment, vehicle or vessel, or for specific uses in connection with a part of a product and included in the sale price of that product as original equipment.
Leveling jacks.
Mine post puller jacks.
Mine timber jacks.
Oil well circle jacks.
One end high lift jacks—extended height not less than 32 inches.
Pipe bending jacks.
Pipe pulling and pushing jacks.
Pit jacks (5-ton or over), hydraulic or mechanical.
Planer or machinist jacks.
Puller jacks, hydraulic jenny.
Push-pull jacks.
Rail bending jacks.
Remote control hydraulic units.
Rigid jacks (horses-trestle).
Steamboat ratchets.
Toe lift jacks, hydraulic.
Transmission jacks.
Traversing bases only.
Trench and timber braces.
Scissor jacks.
Screw casing jacks.
Screw jacks, 1-ton and 1½-ton.

[F. R. Doc. 52–7462; Filed, July 3, 1952; 11:29 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter A—General

[CGFR 52–20]

PART 8—REGULATIONS, UNITED STATES COAST GUARD RESERVE

PROMOTION LISTS

By virtue of the authority contained in section 751 of 14 U. S. C. (63 Stat. 551) and the act approved June 29, 1946 (62 Stat. 1081), the following amendment is

hereby prescribed and shall become effective upon publication in the FEDERAL REGISTER.

Section 8.3107 *Promotion lists* is amended by deleting the last sentence thereof.

Approved: April 23, 1952.

[SEAL] JOHN S. GRAHAM,
Acting Secretary of the Treasury.

Concurred in: June 26, 1952.

FRANCIS P. WHITEHAIR,
Acting Secretary of the Navy.

[F. R. Doc. 52-7377; Filed, July 3, 1952; 8:49 a. m.]

PART 19—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS

DEPARTMENT OF THE INTERIOR VESSELS OPERATED BY PACIFIC MICRONESIAN LINES, INC.

CROSS REFERENCE: For promulgation of § 19.35, see Title 46, Chapter I, Part 154, *infra*.

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

CHESAPEAKE BAY ENTRANCE; NAVAL RESTRICTED AREA

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), the naval restricted area across Chesapeake Bay entrance is hereby modified to include an additional water area in the vicinity of Virginia Beach, Virginia, as follows:

§ 207.158 *Chesapeake Bay entrance; naval restricted area*—(a) *The area.* Beginning at a point on the south shore of Chesapeake Bay at longitude 76°03'06"; thence to latitude 37°01'24", longitude 76°02'06"; thence to latitude 37°06'15", longitude 76°00'42"; thence 90° true to longitude 75°58'50"; thence to a point on the east shore of Chesapeake Bay at latitude 37°07'18"; thence southerly and northeasterly along the shore at Wise Point to longitude 75°57'30"; thence 180° true to latitude 37°05'36"; thence to latitude 37°01'12"; longitude 75°50'00"; thence 180° true to latitude 36°48'00"; thence 270° true to longitude 75°55'00"; thence to latitude 36°52'24", longitude 75°55'54"; thence 270° true to the shore; and thence northwesterly and southwesterly along the shore at Cape Henry to the point of beginning.

(b) *The regulations.* (1) Anchoring, trawling, crabbing, fishing, and dragging in the area are prohibited, and no object attached to a vessel or otherwise shall be placed on or near the bottom.

(2) This section shall be enforced by the Commandant, Fifth Naval District, and such agencies as he may designate.

[Regs., June 18, 1952, 800.2121 (Chesapeake Bay)—ENGWO] (40 Stat. 266; 33 U. S. C. 1)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-7361; Filed, July 3, 1952; 8:47 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 1—GENERAL RULES AND REGULATIONS

PART 2—GENERAL RULES AND REGULATIONS; NATIONAL RECREATIONAL AREAS

PART 23—LAKE MEAD RECREATIONAL AREA; OPERATION OF PRIVATELY OWNED BOATS

MISCELLANEOUS AMENDMENTS

Basis and purposes. Section 3 of the act of August 25, 1916 (39 Stat. 535; 16 U. S. C., 1946 ed., sec. 3), establishing the National Park Service, authorizes and directs the Secretary of the Interior to make and publish such rules and regulations as he may deem necessary or proper for the use and management of the parks, monuments, and reservations under the jurisdiction of the National Park Service.

Under funds appropriated to it for that purpose pursuant to authority contained in the act of August 7, 1946 (60 Stat. 885; 16 U. S. C., sec. 17j-2), and subject to the terms of cooperative agreements with other agencies of the Department of the Interior, the National Park Service administers the recreational uses of the areas known and designated as the Lake Mead National Recreational Area, Arizona and Nevada; the Millerton Lake National Recreational Area, California; and the Coulee Dam National Recreational Area, Washington.

For the past several years the Lake Mead National Recreational Area has been administered under regulations which are applicable generally to the national parks and monuments. No regulations have been promulgated to govern the Millerton Lake and Coulee Dam National Recreational Areas. In view of the many and varied uses permitted in the national recreational areas, many of which are incompatible with the administration of the national parks and monuments, it is deemed essential that regulations especially adaptable to recreational areas should be issued.

The first seven amendments are designed to eliminate all references to Lake Mead National Recreational Area from the general rules and regulations of the National Park Service. The eighth amendment will revoke existing special boating regulations applicable to that area. The ninth amendment will add a new Part 2 to Chapter I of the National Park Service regulations, which will be applicable only to the three national recreational areas now administered by that Service.

By a notice of proposed rule making published in the FEDERAL REGISTER of May 19, 1951 (16 F. R. 4724), the public was invited to participate in the preparation of these amendments by submitting their views, data, or arguments, in writing, to the Director, National Park Service, Department of the Interior, Washington 25, D. C., within 30 days from the date of publication of the notice. In addition, meetings were held locally with members of sportsmen's associations and other interested persons and organizations to discuss the proposed regulations. After due consideration of all written and oral comments and suggestions received, the proposed regulations have been revised and it has been determined that they should be issued at this time as so revised. Accordingly, the following action is taken under the authority contained in section 3 of the act of August 25, 1916.

1. Section 1.0 *General provisions* is amended to delete the words "the Lake Mead Recreational Area."

2. Paragraph (e), § 1.1 *Definitions* is amended to delete the words "Lake Mead Recreational Area."

3. Section 1.4 *Fishing* is amended as follows:

a. Paragraph (a) is amended to delete the words "the Lake Mead Recreational Area."

b. Paragraph (m) is revoked.

c. Paragraph (n) is redesignated paragraph (m).

4. Paragraph (f), § 1.9 *Protection of wildlife* is revoked.

5. Section 1.27 *Prospecting and mining* is amended to delete the second sentence thereof reading as follows: "Mineral lands within the Lake Mead Recreational Area may, in the discretion of the Secretary, be opened to location, entry, and patent under the general mining laws, under the provisions of the act of April 23, 1932 (47 Stat. 136; 43 U. S. C., 1946 ed., sec. 154)."

6. Paragraph (a), § 1.36 *Commercial automobiles and busses* is amended to delete the words "Lake Mead Recreational Area (except the Kingman-Las Vegas Highway)."

7. Paragraph (a), § 1.61 *Aircraft* is amended as follows:

a. Subparagraph (5) *Lake Mead Recreational Area, Arizona and Nevada* is revoked.

b. Subparagraph (6) *Katmai National Monument, Alaska* is redesignated subparagraph (5).

(39 Stat. 535; 16 U. S. C. 3)

8. Part 23, Lake Mead Recreational Area; Operation of Privately Owned Boats, is revoked in its entirety.

9. Part 2, reading as follows, is added to Chapter I:

PART 2—GENERAL RULES AND REGULATIONS; NATIONAL RECREATIONAL AREAS

Sec.
2.1 General provisions.
2.2 Definitions.
2.3 Camping.
2.4 Picknicking.
2.5 Hunting and trapping.
2.6 Fishing.
2.7 Swimming and bathing.
2.8 Firearms and explosives.
2.9 Fires.
2.10 Public property; miscellaneous provisions.
2.11 Sanitation.
2.12 Disorderly conduct.

AUTHORITY: §§ 2.1 to 2.28 issued under 39 Stat. 535; 16 U. S. C. 3.

§ 2.1 *General provisions.* (a) The regulations in this part shall be applicable to the following National Recreational Areas:

(1) Lake Mead National Recreational Area, Arizona and Nevada, administered by the National Park Service, Department of the Interior, in cooperation with the Bureau of Reclamation and the Bureau of Indian Affairs, Department of the Interior, pursuant to a memorandum of agreement between the National Park Service and the Bureau of Reclamation, approved October 13, 1936, as amended by supplemental agreement between said two agencies, approved July 18, 1947, and as further detailed in a cooperative agreement between the National Park Service and the Bureau of Indian Affairs approved November 11, 1937.

(2) Millerton Lake National Recreational Area, California, administered by the National Park Service, Department of the Interior, in cooperation with the Bureau of Reclamation, Department of the Interior, as detailed in a memorandum of agreement between the two agencies, approved May 22, 1945.

(3) Coulee Dam National Recreational Area, Washington, administered by the National Park Service, Department of the Interior, in cooperation with the Bureau of Reclamation and the Bureau of Indian Affairs, Department of the Interior, as detailed in a memorandum of agreement among the three agencies, approved December 18, 1946.

(b) This part, however, shall not be applicable to any of the activities of the Bureau of Reclamation, its officers, employees, agents, or contractors in connection with the construction or operation and maintenance of the works of the respective reclamation projects directly associated with any of the areas mentioned in this section.

(c) This part shall not apply to or on any of the trust or restricted Indian Lands, either tribally or individually owned, within any of the above-described areas.

(d) Wherever in this part the Superintendent is authorized to prohibit or restrict certain actions by the public in an area designated by him, he shall inform the public of the prohibited or restricted action by posting official signs and shall indicate the limits of the restricted area on a map which shall be available for public inspection in the office of the Superintendent. The posting of official signs shall be accomplished by placing them conspicuously at appropriate intervals in such manner as to afford the public full notice of all restrictions and of the limits of restricted areas.

§ 2.2 *Definitions.* As used in the regulations in this part, unless otherwise indicated:

(a) The term "Secretary" means the Secretary of the Interior.

(b) The term "Director" means the Director of the National Park Service.

(c) The term "Regional Director" means the administrative officer in charge of a region of the National Park Service.

(d) The term "Superintendent" means the administrative officer in charge of a national recreational area to which the regulations in this part are applicable, or his authorized representative.

(e) The term "areas" means the national recreational areas to which the regulations in this part are applicable.

(f) (1) The term "Lake Mead National Recreational Area" means the property owned by the United States, including the water surface of Lake Mead and Lake Mohave, within that portion of the Boulder Canyon Project which is administered by the National Park Service, shown outlined in green on a map thereof (Drawing by Thomas 8-3-49, Division of Landscape Architecture, Region Three, National Park Service, Department of the Interior), a copy [1] of which shall be filed with the regulations in this part with the Division of the Federal Register, and a copy of which shall be kept in the office of the Superintendent for public inspection.

(2) The term "Millerton Lake National Recreational Area" means the property owned by the United States, including the water surface of Millerton Lake, within that portion of the Friant Division of the Central Valley Project which is administered by the National Park Service, shown outlined in green on a map thereof (Drawing No. F 1062B, dated April 3, 1942, Rev. 10-7-43 of Friant Division), a copy [1] of which shall be filed with the regulations in this part with the Division of the Federal Register, and a copy of which shall be kept in the office of the Superintendent for public inspection.

(3) The term "Coulee Dam National Recreational Area" means the property owned by the United States, including the water surface of Roosevelt Lake, within that portion of the Columbia Basin Project which is administered by the National Park Service, shown outlined in green on the set of maps comprising 4 sheets numbered RA-CD-7001, 2, 3, and 4, dated April 15, 1946, a copy [1] of which shall be filed with the regulations in this part with the Division of the Federal Register, and a copy of which shall be kept in the office of the Superintendent for public inspection. Nothing contained in this part, however, shall be construed as, in any way, conflicting with the paramount rights of the Indians of the Spokane and Colville Reservations to use for hunting, fishing, and boating purposes, the areas set aside by the Secretary of the Interior pursuant to the act of June 29, 1940 (54 Stat. 703), which areas are designated on the above-mentioned maps as the Spokane Indian Zone and the Colville Indian Zone, respectively.

(g) The term "commercial boat" shall include any barge, raft, canoe, rowboat, motorboat, motor vessel, or other craft kept or used for rental or for carrying passengers for hire or used in transporting movable property for a fee or profit, either as a direct charge to a second party, or as an incident to other services provided to the second party, or in connection with any business.

(h) The term "private boat" shall include any raft, canoe, rowboat, motorboat, motor vessel, or other craft which may be placed on or operated upon the waters of the areas for the private recreational use of the owner or operator, and for which no fee or other charge is made by any person, firm, or corporation in connection with the use thereof on the waters of the areas.

(i) The term "water-borne craft" shall include private and commercial boats as defined herein.

§ 2.3 *Camping.* (a) Camping is permitted in the areas except in parts where the Superintendent has posted conspicuous signs stating that they are closed to camping.

(b) The Superintendent may establish limitations on the time allowed for camping in any public camping ground, and upon the posting of such limitation no person shall camp for a period longer than that specified for the particular campground. Notice of such limitation shall be posted in a conspicuous place at the campground.

(c) Overnight camping is prohibited in picnic grounds.

§ 2.4 *Picnicking.* Picnicking is permitted in the areas. The Superintendent may, however, prohibit picnicking within designated portions of the areas and may establish reasonable limitations on the length of time any person or group of persons may use any picnicking facility when, in his judgment, such limitations are necessary for the accommodation of the visiting public.

§ 2.5 *Hunting and trapping.* (a) Hunting and trapping will be permitted in accordance with all applicable Federal, State, and local laws for the protection of wildlife, except in developed and/or concentrated public use areas designated by the Superintendent: Portions of the areas in which hunting and trapping are not permitted will be marked on the ground and designated on a map of the area which will be available for inspection in the office of the Superintendent.

(b) Millerton Lake National Recreational Area, in the interest of public safety, is closed to hunting.

§ 2.6 *Fishing.* Fishing is permitted within the areas in accordance with all applicable Federal, State, and local laws for the protection of fish and other aquatic life, except that in Lake Mead National Recreational Area fishing is prohibited in Black Canyon within limits posted by appropriate official signs or markers adjacent to Hoover Dam and

[1] Filed as part of the original document.

within limits similarly posted adjacent to Davis Dam.

§ 2.7 *Swimming and bathing.* Swimming and bathing are permitted, except in waters designated by the Superintendent as waters in which such activities are prohibited in the interest of public health and safety.

§ 2.8 *Firearms and explosives.* The carrying of loaded firearms or explosives in developed and/or concentrated public use areas designated by the Superintendent is prohibited. In all other areas firearms or explosives shall not be used in a manner so as to endanger persons or property.

§ 2.9 *Fires.* (a) Due diligence shall be exercised in building and putting out fires to prevent damage to trees and vegetation and to prevent forest and grass fires. In areas provided with such facilities, the fireplaces constructed for the convenience of visitors must be used. The building of fires on any lands within the areas may be prohibited or limited by the Superintendent by the posting of adequate official signs when the hazard makes such action necessary.

(b) Permission to burn on any cleanup operation within the area must first be obtained, in writing, from the Superintendent, and in such cases as it is deemed advisable, such burning will be under Government supervision. All costs of suppression and all damages caused by reason of loss of control of such burning operations shall be paid by the person or persons to whom such permit has been granted.

§ 2.10 *Public property; miscellaneous provisions.* (a) The willful destruction, injury, defacement, or removal of public property is prohibited.

(b) The Superintendent may permit the collection or removal of natural objects.

(c) The Superintendent or other officer having authority to grant such authorization may, upon such terms and conditions as are deemed by him to be adequate to protect the interests of the United States, grant permits for the removal of sand, gravel, or building materials, and make reasonable charges therefor.

§ 2.11 *Sanitation.* (a) No garbage or rubbish of any kind shall be thrown or dumped in the waters of the areas or along the roads, in picnicking or camping sites, or on any other lands of the areas, but shall be burned or buried, or disposed of at points or places designated for the disposal thereof.

(b) Contamination of watersheds or of any water used for drinking purposes is prohibited.

(c) All comfort stations shall be used in a clean and sanitary manner.

(d) Saddle, pack, or draft animals shall not be kept in, or within 300 feet of any camp grounds.

(e) Toilets on water-borne craft must not be emptied in the waters of the areas when such craft are at dock or when within one mile of public ports or public beach areas.

§ 2.12 *Disorderly conduct.* (a) Persons who render themselves obnoxious by disorderly conduct, bad behavior, or indecent exposure shall be subject to the penalties prescribed by law for violation of this part and in addition thereto, or in lieu thereof, may be summarily removed from the areas by the Superintendent.

(b) No person who is under the influence of intoxicating liquors or narcotic drugs shall operate a water-borne craft, aircraft, or motor vehicle of any kind within the areas.

§ 2.13 *Pets.* Dogs, cats, and other pets must be under physical restrictive control at all times when in developed and/or concentrated public use areas designated by the Superintendent. Such pets shall not be permitted in public eating places or on swimming beaches at any time.

§ 2.14 *Aircraft.* (a) No person shall land aircraft on any water or land surface within the areas, other than at one of the following designated landing sites:

(1) *Lake Mead National Recreational Area, Arizona and Nevada.* (i) Boulder City Municipal Field located in Sections 8, 9, 16, and 17, Township 23 South, Range 64 East, Mount Diablo Meridian, Nevada.

(ii) The entire surface of Lake Mead, except that no aircraft shall be permitted to land or take off within 500 feet of public bathing beaches, boat docks, floats, piers, ramps, or water control structures.

(iii) Temple Bar landing strip located at approximate latitude 36 degrees north, approximate longitude 114 degrees 19 minutes west.

(iv) Pierce's Ferry landing strip located at approximate latitude 36 degrees 03 minutes north, approximate longitude 114 degrees 05 minutes west.

(v) Davis Dam landing strip located in Sections 30 and 31, Township 21 North, Range 21 West, Gila and Salt River Meridians, Arizona.

(vi) Entire surface of Lake Mohave, except that no aircraft shall be permitted to land or take off within 500 feet of public bathing beaches, boat docks, floats, piers, ramps, or water control structures or within 10 miles of Hoover Dam.

(vii) Searchlight Ferry landing strip, located at approximate latitude 35 degrees 27 minutes north, approximate longitude 114 degrees 30 minutes west.

(2) *Coulee Dam National Recreational Area, Washington.* The entire surface of Roosevelt Lake, except that no aircraft shall be permitted to land or take off within 500 feet of public bathing beaches, boat docks, floats, piers, ramps, or water control structures.

(b) The provisions of this section shall not be applicable to aircraft (1) engaged on official business of the Federal Government, (2) used in emergency rescue in accordance with the directions of the officer in charge of the area, or (3) forced to land due to unforeseeable circumstances beyond the control of the operator.

§ 2.15 *Accidents.* Accidents required to be reported by the applicable State statutes and regulations shall be reported to the Superintendent, or his field representative, by the person or persons involved in the accident.

§ 2.16 *Grazing and agricultural use.* The running at large, herding, driving across, or grazing of livestock of any kind on the Government lands in the areas, or the use of such lands for agricultural purposes, is prohibited, except where written authority therefor has been granted by the Superintendent or under a valid lease from the United States.

§ 2.17 *Private and commercial uses.* (a) No person, other than employees of the National Park Service, shall reside permanently in the areas, except in accordance with the provisions of a permit or other written agreement with the United States authorizing such use.

(b) No person, firm, or corporation, or their representatives, shall engage in or solicit any business in the areas, except in accordance with the provisions of a permit, contract, or other written agreement with the United States.

(c) No person, firm, or corporation shall erect, construct, or attempt to erect or construct a building, boat dock, road, trail, path, or other way, telephone line, telegraph line, power line, or other private or public utility, upon, across, over, through, or under any federally owned lands within the areas, except in accordance with the provisions of a valid permit, contract, or other written agreement with the United States.

§ 2.18 *Advertisements.* Private notices or advertisements shall not be posted, distributed, or displayed in the areas, except such as the Superintendent may deem necessary for the convenience and guidance of the public.

§ 2.19 *Closing of area.* The Superintendent, in his discretion, may close to public use any part of the areas during any period of emergency endangering life or property.

§ 2.20 *Vehicles.* (a) Subject to the limiting provisions of this section and such special regulations as may be issued to govern a particular area, motor vehicles, trailers, and other vehicles entering the areas shall be operated in accordance with the applicable State laws and regulations then current within the particular section of the area in which the vehicle is being operated.

(b) Drivers of all vehicles operated within the areas shall comply with the directions of all official traffic signs posted in an area.

(c) Load and weight limitations shall be those prescribed and posted from time to time by the Superintendent, and such limitations shall be complied with by the operators of all vehicles using the roads of the areas. Schedules showing load and weight limitations for the different roads within the areas may be seen at the office of the Superintendent and at ranger stations at entrances to the areas.

§ 2.21 *Houseboats.* No waterborne craft may be used for permanent living accommodations except under permit from the Superintendent.

§ 2.22 *Boats, private.* Operators of private boats on the waters of the areas may register such boats with the Superintendent and secure a registration num-

ber and certificate which will aid in the recovery of lost or stolen boats.

§ 2.23 *Boats, commercial.* No commercial boat shall be launched or docked at any point on the federally owned shorelands surrounding the waters of the areas or make use of any launching or docking facility within the areas, except as authorized by permit, contract, or other written agreement with the United States.

§ 2.24 *Restricted waters.* (a) Except to effect rescue or unless otherwise specifically authorized, no water-borne craft shall be operated within any waters zoned and marked as migratory bird rest waters or for related wildlife uses, including waters zoned and marked for fish culture purposes.

(b) No motorboat, motor vessel, or other motor-operated craft shall be permitted to approach within 200 feet of any designated beaches, except to effect rescue.

(c) No water-borne craft shall approach within 200 feet of any dam or other restricted engineering works within the areas, except to effect rescue: *Provided*, That in Lake Mead National Recreational Area no motorboat craft shall approach Hoover or Davis Dams closer than the limits posted by appropriate official signs or markers.

(d) The Superintendent, in his discretion, may exclude the operation of water-borne craft within any designated waters when such action is necessary to protect life and property. Such restricted areas shall be defined by booms or markers and shall be designated on a map of the restricted portions, copies of which shall be posted at all public docks for convenient inspection.

(e) The provisions of this section shall not apply to any boats operated for official use by any agency of the United States, or of the States in which the waters within a particular area are situated.

§ 2.25 *Speed of water-borne craft.* The speed of water-borne craft shall be restricted to speeds reasonable for the time, place, and surrounding conditions, i. e., no such craft shall be operated in a reckless or negligent manner so as to endanger the life, limb, or property of any person.

§ 2.26 *Obstructions.* Unless otherwise specifically authorized, no log boom, pier, fence, pile, anchorage, or other obstruction shall be installed in the waters of the areas without a permit therefor issued by the Superintendent designating the place and manner of its installation.

§ 2.27 *Compliance with Federal laws and regulations.* Nothing contained in the regulations in this part shall relieve any water-borne craft, the owner, or the operator thereof, from the obligation to comply with the applicable laws of the United States and the rules and regulations of the United States Coast Guard or other Federal agencies operative within the areas.

§ 2.28 *Discrimination in furnishing public accommodations.* The proprietor, owner, or operator and the employees of any hotel, inn, lodge, or other public accommodations within the areas are prohibited from (a) publicizing such facilities in any manner that would directly or inferentially reflect upon or question the acceptability of the patronage of any person or persons because of race, creed, color, or national origin; and (b) discriminating against any person or persons because of race, creed, color, or national origin by refusing to furnish such person or persons any accommodations, facilities, or privileges, offered to or enjoyed by the general public.

Issued this 27th day of June 1952.

[SEAL] OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 52-7360; Filed, July 3, 1952; 8:45 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter O—Regulations Applicable to Certain Vessels During Emergency

[CGFR 52-35]

PART 154—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS [1]

DEPARTMENT OF THE INTERIOR VESSELS OPERATED BY PACIFIC MICRONESIAN LINES, INC.

Pursuant to the provisions of section 1 of Public Law 891, 81st Congress, approved December 27, 1950 (64 Stat. 1120), the Deputy Secretary of Defense by letters dated June 12 and June 24, 1952, requested a general waiver of all the navigation and vessel inspection laws administered by the United States Coast Guard, as well as the regulations issued thereunder and published in 33 CFR Chapter I or in this chapter to the extent necessary to permit the operation of certain vessels which are the property of the Department of the Interior and operated under contract by the Pacific Micronesian Lines, Inc., to furnish transportation in the Trust Territory of the Pacific Islands, as well as between the Trust Territory of the Pacific Islands and all the ports of the United States, including the territories and possessions, and foreign ports.

The purpose of the following waiver order designated § 154.35, as well as 33 CFR 19.35, is to waive the navigation and vessel inspection laws and regulations issued pursuant thereto which are administered by the United States Coast Guard to the extent necessary to permit the operation of the U. S. S. "Chicot" (AKL 170), U. S. S. "Camano" (AKL 1), U. S. S. "Elba" (AKL 3), U. S. S. "Errol" (AKL 4), U. S. S. "Metomkin" (AKL 7), U. S. S. "Roque" (AKL 8), and U. S. S. "Torry" (AKL 11), as well as the Schooner "Frela" and the Schooner "Milleeta" or other vessels which may be used as substitutes for these vessels, of the Department of the Interior by the Pacific Micronesian Lines, Inc., to furnish transportation in the Trust Territory of the Pacific Islands, as well as between the Trust Territory of the Pacific Islands and the United States, including its territories and possessions, and foreign ports until and including June 30, 1953, unless sooner terminated by proper authority. It is hereby found that compliance with the notice of proposed rule making, public rule making procedure thereon, and effective date requirements thereof of the Administrative Procedure Act is impracticable and contrary to the public interest.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by an order of the Acting Secretary of the Treasury, dated January 23, 1951, identified as CGFR 51-1, and published in the FEDERAL REGISTER dated January 26, 1951 (16 F. R. 731), the following waiver order is promulgated and shall be in effect from July 1, 1952, to and including June 30, 1953, unless sooner terminated by proper authority:

§ 154.35 *Department of the Interior vessels operated by the Pacific Micronesian Lines, Inc.* Pursuant to the request of the Deputy Secretary of Defense, in letters dated June 12 and June 24, 1952, made under the provisions of section 1 of Public Law 891, 81st Congress (64 Stat. 1120), I hereby waive in the interest of national defense compliance with the provisions of the navigation and vessel inspection laws administered by the United States Coast Guard, as well as the regulations issued thereunder and published in 33 CFR Chapter I or in this chapter, to the extent necessary to permit the operation of the U. S. S. "Chicot" (AKL 170), U. S. S. "Camano" (AKL 1), U. S. S. "Elba" (AKL 3), U. S. S. "Errol" (AKL 4), U. S. S. "Metomkin" (AKL 7), U. S. S. "Roque" (AKL 8), and U. S. S. "Torry" (AKL 11), as well as the Schooner "Frela" and the Schooner "Milleeta" or other vessels which may be used as substitutes for such vessels, of the Department of the Interior and operated by the Pacific Micronesian Lines, Inc., in the Trust Territory of the Pacific Islands or between the Trust Territory of the Pacific Islands and the United States, including its territories and possessions, and foreign ports, and this waiver order shall be in effect from July 1, 1952, to and including June 30, 1953, unless sooner terminated by proper authority.

(Sec. 1, Pub. Law 891, 81st Cong.)

Dated: June 30, 1952.

[SEAL] A. C. RICHMOND,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 52-7376; Filed, July 3, 1952; 8:49 a. m.]

[1] This is also codified in 33 CFR Part 19.

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

PART 165a—CERTIFICATES AND PERMITS

MOTOR-CARRIER OPERATIONS INVOLVING TRAVERSAL STATES

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 30th day of June A. D. 1952.

It appearing, that on January 25, 1952, notice of proposed rule making was published in the FEDERAL REGISTER (17 F. R. 932) concerning adoption of interpretative rules relating to motor-carrier operations involving so-called "traversal states". The purpose of the proposed interpretative rules, as reflected by the referred-to notice, is to clarify the situation as relates to certificates and permits heretofore issued by this Commission to motor carriers authorizing operations over irregular routes which necessitate that the carriers, in performing their authorized service, pass through states other than those in which they are authorized to receive or discharge passengers or freight, and to establish a policy to effect uniformity in the future concerning such matter;

It further appearing, that by order of the Commission, Division 5, dated April 14, 1952, effective date postponed to July 1, 1952, the referred-to rules were adopted subject to that order's becoming effective and until the further order of the Commission;

And it further appearing, that written data, views, and arguments have been submitted to the Commission in favor of or against the proposed rules which warrant modification thereof, and adoption of such rules as modified having been found to be justified: *It is ordered*, That:

SUBPART A—MOTOR-CARRIER OPERATION INVOLVING TRAVERSAL STATES

Sec.
165a.1 Interpretation of outstanding certificates and permits.
165a.2 Policy to be observed in the future.
165a.3 Requirements to be met.

AUTHORITY: §§ 165a.1 to 165a.3 issued under 49 Stat. 546, as amended; 49 U. S. C. 304.

SUBPART A—MOTOR-CARRIER OPERATIONS INVOLVING TRAVERSAL STATES

§ 165a.1 *Interpretation of outstanding certificates and permits.* All certificates and permits heretofore issued to motor carriers authorizing operations over irregular routes which necessitate that the carriers, in performing their authorized services, pass through states other than those in which they are authorized to receive or discharge passengers or freight, are interpreted as follows:

(a) *Where no "traversal states" are named.* Carriers may operate through any state which affords a reasonably direct or logical route between the points authorized to be served.

(b) *Where "traversal states" are named.* Whether all or only a portion of such states are named, the carriers may operate not only through the "traversal states" named but also through any other state or states which afford a reasonably direct or logical route between the points authorized to be served, unless the language clearly and unmistakably shows that "traversal states" were named as a specific restriction or prohibition against operating in any state other than those specified.

§ 165a.2 *Policy to be observed in the future.* On and after the effective date of this part "traversal states" will not be named in a certificate or permit except when the record discloses that such should be done as a definite restriction and on a showing of public convenience and necessity, in the case of a common carrier, or consistency with the public interest and the national transportation policy, in the case of a contract carrier; otherwise, operations may be performed as indicated in § 165a.1 (a).

§ 165a.3 *Requirements to be met.* Before instituting any operations, pursuant to this part, through a state or states not named in its certificate or permit, the carrier shall (a) give notice in writing, accompanied by a copy of its operating authority, to the state regulatory body or bodies of such state or states, (b) designate a process agent for each such state, as required by section 221 (c) of the Interstate Commerce Act, and (c) comply with the provisions of Rule VIII of the Commission's insurance regulations regarding the filing of insurance by a company licensed to do business in each such state (49 CFR 174.8).

It is further ordered, That this order shall supersede the order entered herein on April 14, 1952, which is hereby vacated and set aside.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission, Washington, D. C., and by filing a copy thereof with the Director, Division of the Federal Register.

By the Commission, Division 5.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7369; Filed, July 3, 1952; 8:48 a. m.]

[Ex Parte MC-40]

PART 193—DRIVING OF MOTOR VEHICLES

QUALIFICATIONS AND MAXIMUM HOURS OF SERVICE OF EMPLOYEES OF MOTOR CARRIERS AND SAFETY OF OPERATION AND EQUIPMENT

In the matter of request for postponement of the effective date of order with respect to § 193.75.

Upon consideration of the record in the above-entitled proceedings, of the pendency in the U. S. District Court for the Eastern District of Michigan of a suit to set aside § 193.75 in the above docket and of a request of the Judge of the U. S. District Court for postponement of the effective date of the order with respect to § 193.75 for a period of 30 days:

It is ordered, That the order in the above-entitled proceeding entered on April 14, 1952, to become effective July 1, 1952, be modified so that the provisions of § 193.75 of the prescribed regulations shall not apply to the transportation in truckaway service of motor vehicles until August 1, 1952 (17 F. R. 4443).

Dated at Washington, D. C., this 1st day of July A. D. 1952.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7370; Filed, July 3, 1952; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 6]

[192.31.1]

SKY HARBOR SEAPLANE BASE, DULUTH, MINN.

NOTICE OF PROPOSED REVOCATION DESIGNATION AS AN AIRPORT OF ENTRY

JUNE 27, 1952.

Notice is hereby given that, pursuant to authority contained in section 7 (b) of the Air Commerce Act of 1926, as amended (49 U. S. C. 177 (b)), it is proposed to revoke the designation of the Sky Harbor Seaplane Base, Duluth, Minnesota, as an airport of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States; and it is further proposed to amend the list of airports of entry in § 6.12, Customs Regulations of 1943 (19 CFR 6.12) as amended, by deleting the location and name of said airport of entry.

This notice is published pursuant to section 4 of the Administrative Procedure Act (Pub. Law 404, 79th Cong.). Data, views, or arguments with respect to the proposed revocation of the designation of the above-mentioned airport as an airport of entry may be addressed to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., in writing. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER.

[SEAL] JOHN S. GRAHAM, *Acting Secretary of the Treasury.*

[F. R. Doc. 52-7371; Filed, July 3, 1952; 8:48 a. m.]

[19 CFR Part 6]

[192-18-31]

BROWARD COUNTY AIRPORT, FORT LAUDERDALE, FLA.

NOTICE OF PROPOSED DESIGNATION AS AN AIRPORT OF ENTRY

JUNE 27, 1952.

Notice is hereby given that, pursuant to authority contained in section 7 (b)

of the Air Commerce Act of 1926, as amended (49 U. S. C. 177 (b)), it is proposed to designate Broward County Airport, Fort Lauderdale, Florida, as an airport of entry for civil aircraft and for merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of said act (49 U. S. C. 179 (b)), effective August 1, 1952; and it is further proposed to amend the list of airports of entry (international airports) in § 6.12, Customs Regulations of 1943 (19 CFR 6.12), by adding thereto the location and name of this airport.

This notice is published pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003). Data, views, or arguments with respect to the proposed designation of the above-mentioned airport as an airport of entry may be addressed to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., in writing. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER.

[SEAL] JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52-7372; Filed, July 3, 1952; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 976]

HANDLING OF MILK IN FORT SMITH, ARKANSAS, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Fort Smith, Arkansas, on January 7-10, inclusive, 1952, pursuant to notice thereof which was issued on December 7, 1951 (16 F. R. 12360).

Upon the basis of the evidence introduced at the hearing and the record thereof the Assistant Administrator, Production and Marketing Administration, on May 1, 1952, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision. This decision and notice of opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on May 7, 1952 (17 F. R. 4209).

The material issues, findings, and conclusions, and general findings of the aforesaid recommended decision are hereby adopted as the issues, findings and conclusions, and general findings of this decision as if set forth in full herein, subject to the following modifications described with reference to Federal Register Doc. 52-5117, 17 F. R. 4209:

1. Delete the second paragraph beginning in the second column of 17 F. R. 4210 and substitute therefor the following:

The record indicates that early in 1949 prices to producers supplying Fayetteville were approximately equal to or slightly higher than those to producers supplying Fort Smith. From mid-1949 to late in 1951 Fayetteville prices were constantly 50 or 60 cents per hundredweight less than those of Fort Smith. The recent activity of a Dallas handler in securing supplies of milk at premium prices in the Fayetteville area resulted in the largest handler in Fayetteville paying 25 cents per hundredweight more than the Fort Smith price for December 1951 with other Fayetteville handlers paying prices equal to the Fort Smith price. During the period of more than two years for which this 50-60 cent difference between Fayetteville and Fort Smith prices prevailed, milk from the Fayetteville area was sold to the St. Louis market, Springfield handlers were selling milk to Fayetteville, and Fayetteville lacked personnel for enforcing its milk ordinance. The record does not indicate the extent to which each of these factors may have influenced the pattern of prices at Fayetteville, nor does it indicate what the influence of Dallas prices will be when premium pricing in that market is discontinued. The difference that prevailed during this period is more than that which could be attributed to differences in costs of hauling milk from farms to plants. The inclusion of Fayetteville in the defined marketing area at this time would raise some problems with respect to price relationships within different segments of the marketing area for which this record does not provide an adequate basis for conclusion. Since the record fails to show such close competition for supplies and sales of milk as to require the conclusion that Fort Smith and Fayetteville are a single market, or to provide a basis for the price determinations necessary for their inclusion under a single regulation, it is concluded that the Fort Smith marketing area should not be so defined at this time as to include Fayetteville.

2. Insert the following paragraph between the first and second paragraphs beginning in the second column of 17 F. R. 4214:

By exception the Springfield handler agrees that the 45 cents is a reasonable allowance but requests that payments be computed under these provisions on an annual basis because there is a probability that in some months the Fort Smith price less 45 cents will be more than the Springfield price while in other months the reverse may be true. This probability arises through differences in the seasonal changes of Class I prices in the two orders. The difference in total payments resulting from the annual method would appear to be minor and to adopt it would be in conflict with the principle of monthly accountability maintained in all milk orders. A comparison of Class I prices of the Springfield order with those that have prevailed at Fort Smith without regulation indicate that there have been times at which the costs of the Springfield handler have been substantially in excess of those of his Fort Smith competitors.

Ruling on exceptions. Within the period reserved therefor, exceptions were filed to certain of the findings, conclusions and actions recommended by the Assistant Administrator. In arriving at the findings, conclusions and regulatory provisions of this decision, such exceptions were carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings, conclusions and actions decided upon herein are at variance with any of the exceptions, such exceptions are overruled.

Determination of representative period. The month of May 1952 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order to regulate the handling of milk in the Fort Smith, Arkansas, marketing area in the manner set forth in the attached order is approved or favored by producers, who during such period, were engaged in the production of milk for sale in the marketing area specified in such marketing order.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regulating the Handling of Milk in the Fort Smith, Arkansas, Marketing Area," and "Order Regulating the Handling of Milk in the Fort Smith, Arkansas, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 1st day of July 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order[1] Regulating the Handling of Milk in the Fort Smith, Arkansas, Marketing Area

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

AUTHORITY: §§ 976.0 to 976.111 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 976.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Fort Smith, Arkansas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the months of (i) other source milk which is classified as Class I milk, and (ii) milk from producers including such handler's own production.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Fort Smith, Arkansas, marketing area shall be in conformity to and in compliance with the following terms and conditions as set forth below:

DEFINITIONS

§ 976.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 976.2 *Secretary.* "Secretary" means the Secretary of Agriculture or other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 976.3 *Department.* "Department" means the United States Department of Agriculture or other Federal agency authorized to perform the price reporting functions specified in this subpart.

§ 976.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 976.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines (a) to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," (b) to have full authority in the sale of milk of its members, and (c) to be engaged in making collective sales or marketing milk or its products for its members.

§ 976.6 *Fort Smith, Arkansas, Marketing Area.* "Fort Smith, Arkansas, Marketing Area", hereinafter called the marketing area, means all territory within the corporate limits of Fort Smith, Arkansas, and Van Buren, Arkansas, and within the boundaries of the Camp Chaffee military reservation.

§ 976.7 *Approved plant.* "Approved plant" means any milk plant approved by any health authority having jurisdiction in the marketing area from which milk, skim milk, buttermilk, flavored milk, flavored milk drinks, or cream are disposed of for fluid consumption in the marketing area on wholesale or retail routes (including plant stores).

§ 976.8 *Unapproved plant.* "Unapproved plant" means any milk processing or distributing plant other than an approved plant.

§ 976.9 *Handler.* "Handler" means (a) any person in his capacity as the operator of an approved plant; or (b) any cooperative association with respect to the milk of any producer which it causes to be diverted to an unapproved plant for the account of such cooperative association.

§ 976.10 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk which is received at an approved plant: *Provided*, That such milk is produced under a dairy farm inspection permit or inspection rating issued by any health authority having jurisdiction in the marketing area for the production of milk to be disposed of for consumption as fluid milk. "Producer" shall include any such person whose milk is caused to be diverted by a handler to an unapproved plant, and milk so diverted shall be deemed to have been received at an approved plant by the handler who causes it to be diverted. "Producer" shall not include a person with respect to milk produced by him which is received at a plant operated by a handler who is subject to another Federal marketing order and who is partially exempt from the provisions of this subpart pursuant to § 976.61.

§ 976.11 *Producer milk.* "Producer milk" means all skim milk and butterfat in milk produced by a producer which is received by a handler either directly from producers or from other handlers.

§ 976.12 *Other source milk.* "Other source milk" means all skim milk and butterfat other than that contained in producer milk.

§ 976.13 *Producer-handler.* "Producer-handler" means any person who produces milk and operates an approved

plant, but who receives no milk from producers.

§ 976.14 *Base milk.* "Base milk" means milk received from a producer by a handler during any of the months of April through June which is not in excess of such producer's daily average base computed pursuant to § 976.90 multiplied by the number of days in such month for which the handler received milk from the producer.

§ 976.15 *Excess milk.* "Excess milk" means milk received from a producer by a handler during any of the months of April through June which is in excess of base milk received from such producer during such month, and shall include all milk received during such month from any producer for whom no daily average base has been established pursuant to § 976.90.

MARKET ADMINISTRATOR

§ 976.20 *Designation.* The agency for the administration of this subpart shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 976.21 *Powers.* The market administrator shall have the following powers with respect to this subpart.

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 976.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 976.87 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 976.86) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this subpart, and upon request by the secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 976.30 through 976.32;

(2) Maintained adequate records and facilities pursuant to § 976.33; or

(3) Made payments pursuant to §§ 976.80 through 976.87;

(i) On or before the 12th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report, the milk received shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class;

(j) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum prices for Class I milk pursuant to § 976.51 (a) and the Class I butterfat differential pursuant to § 976.52 (a), both for the current month; and the minimum price for Class II milk pursuant to § 976.51 (b) and the Class II butterfat differential pursuant to § 976.52 (b), both for the preceding month; and

(2) On or before the 12th day of each month, the uniform price(s) computed pursuant to § 976.71 or § 976.72, as applicable, and the butterfat differential computed pursuant to § 976.81, both applicable to milk delivered during the preceding month; and

(k) Prepare and disseminate to the public such statistics and other information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 976.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator, as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers, and, for the months of April through June, the aggregate quantities of base milk and excess milk;

(b) The quantities of skim milk and butterfat contained in (or used in the production of) receipts from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except Class II products disposed of in the form in which received without further processing or packaging by the handler);

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(e) The disposition of Class I products on route(s) wholly outside the marketing area; and

(f) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 976.31 *Reports of payments to producers.* On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries of the preceding month which shall show:

(a) The total pounds of milk received from each producer and cooperative association, the total pounds of butterfat contained in such milk and the number of days on which milk was received from such producers, including for the months of April through June such producer's deliveries of base and excess milk;

(b) The amount of payment to each producer or cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 976.32 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who causes milk to be diverted to an unapproved plant shall, prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member, of his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which such milk is to be diverted.

§ 976.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all receipts of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and milk products on hand at the beginning and end of each month.

§ 976.34 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That is, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of

specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 976.40 *Basis of classification.* All skim milk and butterfat received within the month by a handler and which is required to be reported pursuant to § 976.30 shall be classified by the market administrator pursuant to the provisions of §§ 976.41 through 976.46.

§ 976.41 *Classes of utilization.* Subject to the conditions set forth in §§ 976.43 and 976.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat disposed of in fluid form as milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream, cultured sour cream and any mixture of cream and milk or skim milk (except bulk ice cream mix), and all skim milk and butterfat not specifically accounted for under paragraph (b) of this section.

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those specified in paragraph (a) of this section; (2) disposed of for livestock feed; (3) in shrinkage allocated to receipts of milk from producers, but not in excess of 2 percent of such receipts of skim milk and butterfat respectively, (4) in shrinkage allocated to receipts of other source milk; and (5) in inventory variations of milk, skim milk, cream or any Class I product.

§ 976.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat in producer milk and in other source milk.

§ 976.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified in one class (except that transferred to a producer-handler) shall be reclassified if used or reused by such handler or by another handler in another class.

§ 976.44 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(a) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to the approved plant of another handler (except a producer-handler) unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the month within which such transaction occurred: *Provided,* That the skim milk or butterfat so assigned to Class II shall be limited to the amount thereof remaining in Class II in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 976.46, and any additional amounts of such skim milk or butterfat shall be assigned to Class I: *And provided further,* That if either or both handlers have received other source milk, the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk.

(b) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to a producer-handler.

(c) As Class I milk if transferred or diverted in the form of milk or skim milk to an unapproved plant located more than 185 miles from the approved plant by the shortest highway distance as determined by the market administrator.

(d) As Class I milk if transferred in the form of cream under Grade A certification to an unapproved plant located more than 185 miles from an approved plant by the shortest highway distance as determined by the market administrator, and as Class II milk if so transferred without Grade A certification.

(e) As Class I milk, if transferred or diverted in the form of milk, skim milk or cream to an unapproved plant located not more than 185 miles from the approved plant, and from which fluid milk is disposed of on wholesale or retail routes unless the market administrator is permitted to audit the records of receipts and utilization at such unapproved plant, in which case the classification of all skim milk and butterfat received at such unapproved plant shall be determined and the skim milk and butterfat transferred or diverted from the approved plant shall be allocated to the highest use remaining after subtracting, in series beginning with Class I milk, receipts of skim milk and butterfat at such unapproved plant directly from dairy farmers who the market administrator determines constitute the regular source of supply for fluid usage of such unapproved plant in markets supplied by such plant.

(f) As Class II milk if transferred or diverted in the form of milk, skim milk, or cream to an unapproved plant located not more than 185 miles from the approved plant and from which fluid milk is not disposed of on wholesale or retail routes.

§ 976.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the monthly report submitted by each handler and shall compute the pounds of skim milk and butterfat in Class I milk and Class II milk for such handler.

§ 976.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 976.45, the market administrator shall determine the classification of milk received by each handler from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 976.41 (b) (3);

(2) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers in a form other than milk, skim milk or cream according to its classification pursuant to § 976.41;

(3) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk: *Provided,* That if the receipts of skim milk in other source milk are greater than the remaining pounds of skim milk in Class II, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I;

(4) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers in the form of milk, skim milk or cream according to its classification as determined pursuant to § 976.44 (a).

(5) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(6) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of Class I and Class II milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 976.50 *Basic formula price.* The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed pursuant to paragraphs (a) and (b) of this section and § 976.51 (b) for the preceding month.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department, divided by 3.5 and multiplied by 4.0:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Oxfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.

Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, subtract 3 cents, add 20 percent thereof, and multiply by 4.0.

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.96.

§ 976.51 *Class prices.* Subject to the provisions of § 976.52 the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the month shall be as follows:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price plus $1.45 for the months of April, May, and June, and plus $1.85 for all other months: *Provided*, That for each of the months of October, November, and December, such price shall not be less than that for the preceding month, and that for each of the months of April, May, and June, such price shall not be more than that for the preceding month.

(b) *Class II milk.* The price for Class II milk shall be the average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location

Carnation Co., Mount Vernon, Mo.
Pet Milk Co., Neosho, Mo.
Pet Milk Co., Siloam Springs, Ark.
Sugar Creek Creamery, Russellville, Ark.

Provided, That such price shall not be less than the price computed pursuant to § 976.50 (b) for the month, less 26 cents during April, May, June, or July and less 16 cents during all other months.

§ 976.52 *Butterfat differentials to handlers.* If the average butterfat content of the milk of any handler allocated to any class pursuant to § 976.46 is more or less than 4.0 percent, there shall be added to the respective class price, computed pursuant to § 976.51, for each one-tenth of 1 percent that the average butterfat content of such milk is above 4.0 percent or subtracted for each one-tenth of 1 percent that such average butterfat content is below 4.0 percent an amount equal to the butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month specified below by the applicable factor listed and dividing the result by 10:

(a) *Class I milk.* Multiply such price for the preceding month by 1.25:

(b) *Class II milk.* Multiply such price for the current month by 1.20.

APPLICATION OF PROVISIONS

§ 976.60 *Producer-handlers.* Sections 976.40 through 976.46, 976.50 through 976.52, 976.70 through 976.72, 976.80 through 976.87, 976.90 and 976.91, shall not apply to a producer-handler.

§ 976.61 *Milk priced under other Federal orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by a milk marketing agreement or order issued pursuant to the act, the provisions of this order shall not apply except as follows:

(a) The handler shall, with respect to his total receipts of skim milk and butterfat make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(b) If the price which such handler is required to pay under the other Federal order to which he is subject for skim milk and butterfat which would be classified as Class I milk under this subpart is less than the price provided by this order, such handler shall pay to the market administrator for deposit into the producer-settlement fund (with respect to all skim milk and butterfat disposed of as Class I milk within the marketing area) an amount equal to the difference between the value of such skim milk or butterfat as computed pursuant to this order (subject to a deduction of 45 cents per hundredweight if the approved plant of such handler is subject to Federal Order No. 21) and its value as determined pursuant to the other order to which he is subject.

DETERMINATION OF UNIFORM PRICE

§ 976.70 *Computation of value of milk.* The value of milk received during each month by each handler from producers shall be a sum of money computed by the market administrator by multiplying the pounds of such milk in each class by the applicable class prices, adding together the resulting amounts and adding an amount computed by multiplying the pounds of any overage deducted from each class pursuant to § 976.46 by the applicable class prices.

§ 976.71 *Computation of uniform prices.* For each of the months of July through March the market administrator shall compute the uniform prices per hundredweight for milk of 4.0 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 976.70 for all handlers who made the reports prescribed in § 976.30 and who made the payments pursuant to §§ 976.80 and 976.83 for the preceding month;

(b) Add not less than one-half of the cash balance on hand in the producer-settlement fund less the total amount of the contingent obligations to handlers pursuant to § 976.84.

(c) Subtract, if the average butterfat content of the milk included in these computations is greater than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 976.81 and multiplying the resulting figure by the total hundredweight of such milk;

(d) Divide the resulting amount by the total hundredweight of milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for milk of 4.0 percent butterfat content received from producers.

§ 976.72 *Computation of uniform prices for base milk and excess milk.* For each of the months of April through June the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, as follows:

(a) Combine into one total the values computed pursuant to § 976.70 for all handlers who made the reports prescribed in § 976.30 and who made the payments pursuant to §§ 976.80 and 976.83 for the preceding month;

(b) Add not less than one-half of the cash balance in the producer-settlement fund less the total amount of the contingent obligations to handlers pursuant to § 976.84;

(c) Subtract if the average butterfat content of the milk included in these computations is greater than 4.0 percent, or add if such average butterfat content is less than 4.0 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 976.81 and multiplying the resulting figure by the total hundredweight of such milk;

(d) Compute the total value on a 4.0 percent butterfat basis of excess milk included in these computations by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in these computations by the price for Class II milk of 4.0 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 4.0 percent butterfat content, and adding together the resulting amounts;

(e) Divide the total value of excess milk obtained in paragraph (d) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the

uniform price for excess milk of 4.0 percent butterfat received from producers.

(f) Subtract the value of excess milk obtained in paragraph (d) of this section from the value of all milk obtained pursuant to paragraphs (a), (b) and (c) of this section and adjust by any amount involved in adjusting the uniform price of excess milk to the nearest cent;

(g) Divide the amount obtained in paragraph (f) of this section by the total hundredweight of base milk included in these computations; and

(h) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (g) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content received from producers.

PAYMENTS

§ 976.80 *Time and method of payment.* Each handler shall make payment to producers as follows:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer except as provided in paragraph (c) of this section, (1) at not less than the uniform price computed pursuant to § 976.71 for all milk received from such producer if such preceding month was any of the months of July through March, or (2) at not less than the uniform price for base milk computed pursuant to § 976.72 (h), with respect to base milk received from such producer, and at not less than the uniform price for excess milk computed pursuant to § 976.72 (e) with respect to excess milk received from such producer, if such preceding month was any of the months of April through June, in each case adjusted by the butterfat differential computed pursuant to § 976.81 and less the amount of the payment made pursuant to paragraph (b) of this section: *Provided*, That if such handler has not received full payment for such month pursuant to § 976.84, he may reduce his total payments to all producers uniformly by not more than the amount of the reduction in payments from the market administrator; and the handler shall after receipt of such payment from the market administrator complete the payments to those producers not later than the date for making payments pursuant to this paragraph next following after receipt of the balance from the market administrator.

(b) On or before the last day of each month, each handler shall make payment for milk received from producers during the first 15 days of the month to each producer, except as provided in paragraph (c) of this section, at not less than the Class II price for the preceding month.

(c) On or before the 13th and the third from the last day of each month, in lieu of payments pursuant to paragraphs (a) and (b) respectively of this section, each handler shall make payment to a cooperative association which so request, with respect to producers for which such cooperative association is authorized to collect payment, in an amount equal to the sum of the individual payments otherwise payable to such producers.

§ 976.81 *Producer butterfat differential.* In making payments pursuant to § 976.80, there shall be added to or subtracted from the uniform price for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, an amount computed by multiplying by 1.2 the simple average as computed by the market administrator of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month, dividing the resulting sum by 10, and rounding to the nearest one-tenth of a cent.

§ 976.82 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to §§ 976.61 (b), 976.83 and 976.85, and out of which he shall make all payment to handlers pursuant to §§ 976.84 and 976.85.

§ 976.83 *Payments to the producer-settlement fund.* On or before the 13th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator (a) the amount, if any, by which the value of the milk received by such handler from producers as determined pursuant to § 976.70 is greater than the amount required to be paid producers by such handler pursuant to § 976.80, and (b) any amount required pursuant to § 976.61 (b).

§ 976.84 *Payments out of the producer-settlement fund.* On or before the 14th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during the month as determined pursuant to § 976.70 is less than the amount required to be paid producers by such handler pursuant to § 976.80: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 976.85 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (a) the market administrator from such handler; (b) such handler from the market administrator; or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which error occurred.

§ 976.86 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 976.80, shall deduct 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to sample, test, and check the weights of milk received and to provide producers with market information.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers on or before the 15th day after the end of each month and pay such deduction to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions, and the amount and average butterfat test of milk for which such deduction was computed for each producer. In lieu of such statement a handler may authorize the market administrator to furnish such cooperative association the information with respect to such producers reported pursuant to § 976.31.

§ 976.87 *Expenses of administration.* As his pro rata share of the expense of administration of this subpart, each handler shall pay to the market administrator on or before the 15th day after the end of the month, 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of (a) other source milk which is classified as Class I milk, and (b) milk from producers including such handler's own production.

§ 976.88 *Termination of obligation.* The provisions of this section shall apply to any obligations under this subpart for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of paragraphs (b) and (c) of this section, terminates two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such produc-

er(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representative all books and records required by this subpart to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

DETERMINATION OF BASE

§ 976.90 *Computation of daily average base for each producer.* For the months of April through June of each year the market administrator shall compute a daily average base for each producer as follows, subject to the rules set forth in § 976.91:

(a) Divide the total pounds of milk received by a handler(s) from such producer during the months of October through January immediately preceding by the number of days, not to be less than ninety, of such producer's delivery in such period.

§ 976.91 *Base rules.* (a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base forming period;

(b) Bases may be transferred by notifying the market administrator in writing on or before the last day of any applicable base paying month that such base is to be transferred to the person named in such notice only as follows:

(1) In the event of the death, retirement, or entry into military service of a producer the entire base may be transferred to a member(s) of such producer's immediate family who carriers on the dairy herd operations.

(2) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders.

(c) A producer who ceases to deliver milk to a handler for more than 45 consecutive days shall forfeit his base.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 976.100 *Effective time.* The provisions of this subpart or any amendment to this subpart shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 976.101.

§ 976.101 *Suspension or termination.* The Secretary may suspend or terminate this subpart or any provision of this subpart whenever he finds this subpart or any provisions of this subpart obstructs or does not tend to effectuate the declared policy of the act. This subpart shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 976.102 *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 976.103 *Liquidation.* Upon the suspension or termination of the provisions of this subpart, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 976.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 976.111 *Separability of provisions.* If any provision of this subpart, or its application to any person or circumstances, is held invalid, the application of such provision and the remaining provisions of this subpart to other persons or circumstances, shall not be affected thereby.

Order of the Secretary Directing That a Referendum Be Conducted Among the Producers Supplying Milk to the Fort Smith, Arkansas, Marketing Area, and Designation of an Agent To Conduct Such Referendum

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the proposed order regulating the handling of milk in the Fort Smith, Arkansas, marketing area) who, during the month of May 1952 were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of the order which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.

The month of May 1952 is hereby determined to be the representative period for the conduct of such referendum.

Hobart E. Crone is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 25th day from the date this referendum order is issued.

Done at Washington, D. C., this 1st day of July 1952.

[F. R. Doc. 52-7379; Filed, July 3, 1952; 8:49 a. m.]

COMMODITY EXCHANGE COMMISSION

[17 CFR Part 150]

[Hearing Docket CE-P 8]

LIMITS ON POSITION AND DAILY TRADING IN COTTONSEED OIL, SOYBEAN OIL, AND LARD FOR FUTURE DELIVERY

NOTICE OF HEARING

Whereas, section 4a of the Commodity Exchange Act (7 U. S. C. 6a), directs that, for the purpose of diminishing, eliminating, or preventing excessive speculation causing sudden, unreasonable, or unwarranted price changes in any commodity named in the act, the Commodity Exchange Commission shall, from time to time, after due notice and opportunity for hearing, proclaim and fix such limits on the amount of trading which may be done by any person, under contracts of sale of such commodity for future delivery on or subject to the rules of any contract market, as the Commission finds is necessary for such purpose;

Now, therefore, notice is hereby given that a hearing will be held beginning at 10 o'clock a. m., e. d. t., on July 28, 1952, in Room 149-W Administration Building, U. S. Department of Agriculture, Washington, D. C., for the presentation of evidence as to (1) what limits should be fixed on the maximum amount of cottonseed oil, soybean oil, and lard, respec-

tively, which any person directly or indirectly may buy or sell, or agree to buy or sell, under contracts of sale for future delivery on or subject to the rules of any contract market, on any one business day, and (2) what limits should be fixed on the maximum net long or net short position in cottonseed oil, soybean oil, and lard, respectively, which any person may hold or control under contracts of sale for future delivery on or subject to the rules of any contract market.

Section 4a of the Commodity Exchange Act provides that such limits shall not apply to transactions which are shown to be bona fide hedging transactions as refined in section 4a (3) of the Commodity Exchange Act (7 U. S. C. 6a (3)).

Written statements with reference to the subject matter of this hearing may be submitted by any interested person and may be in addition to or in lieu of testimony at such hearing. Such statements should be prepared in quintuplicate and mailed to the Presiding Officer, Hearing Docket CE–P8, Commodity Exchange Authority, U. S. Department of Agriculture, Washington 25, D. C., prior to the time of hearing, or delivered to the Presiding Officer at the time of hearing.

Issued this 30th day of June 1952.

COMMODITY EXCHANGE COMMISSION,
[SEAL] CHARLES F. BRANNAN,
Chairman,
Secretary of Agriculture.
JACK GARRETT SCOTT,
Acting Secretary of Commerce.
JAMES P. MCGRANERY,
Attorney General.

[F. R. Doc. 52–7355; Filed, July 3, 1952; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 53030]

CHESAPEAKE AND OHIO RAILWAY CO. AND PERE MARQUETTE RAILWAY CO.

REGISTRATION OF FUNNEL MARKS AND CANCELLATION OF REGISTRATION OF HOUSE FLAG

JUNE 27, 1952.

The Commissioner of Customs, by virtue of the authority vested in him by law and in accordance with § 3.81 (a), Customs Regulations of 1943 (19 CFR 3.81 (a)), has registered three funnel marks in the name of the Chesapeake and Ohio Railway Company as described below:

(a) The first funnel mark is to appear and be used on vessels having one stack. The funnel on which this mark will be used is 16 feet in diameter athwartship and 27 feet in diameter in a fore-and-aft direction. The funnel is painted a dark blue and is 25 feet 6 inches in over-all height. Centered in a fore-and-aft direction on either side of the funnel is a Federal yellow disc 12 feet in diameter, the top of which is placed 7 feet 6 inches from the top of the funnel. Superimposed on the yellow disc in dark blue, are the letters "C" and "O," each of which is 4 feet 6 inches in height. The letter "C" is placed in the upper left portion of the circle, connecting with and overlapping in part the letter "O," which is placed in the lower right portion of the circle. Centered vertically on the letter "C" and to the right of it, also in dark blue, is the word "AND" in letters 6 inches in height. Somewhat below the center point and to the left of the letter "O" is the word "FOR" in dark blue letters of 6 inches in height and below that word and the letter "O" is the word "Progress" in dark blue letters 9 inches in height. Running horizontally from the lowermost right-hand point of the letter "R" is the word "For" is a line which passes through the lower portion of the letter "O" and intersects on the opposite side with a line running vertically upward from the uppermost right-hand point of the last letter of the word "Progress." The line is dark blue where it crosses the disc and yellow where it crosses the letter "O."

(b) The second funnel mark is to appear and be used on vessels having two funnels, one on the port and the other on the starboard side of the vessel. Each funnel is surrounded by a funnel casing and both the funnel and its casing are painted a dark blue. The funnel itself is 5 feet in diameter athwartship and 9 feet 3 inches in diameter on a fore-and-aft line; the funnel casing is of a diameter of 5 feet athwartship and 26 feet on a fore-and-aft line; the funnel is of an over-all height of 40 feet; and the funnel casing is of an over-all height of 18 feet. The insignia to appear on the funnel is identical with that to be used on the funnel described in paragraph (a) above except that the top of the Federal yellow disc will be placed 24 feet from the top of the funnel and will be centered in a fore-and-aft direction on the outboard side of the funnel casing.

(c) The third funnel mark is similar to the first except for the fact that it will be used only on vessels having four stacks, two in tandem on the port side of the vessel and two on the starboard side, also in tandem, each pair of stacks on either side being surrounded by a funnel casing. Each of the funnels in this case is 2 feet by 5 feet in diameter and each funnel casing is 3 feet by 16 feet in diameter. The height of the funnel is 30 feet over-all and the height of the funnel casing is 18 feet. The size, lettering, and coloring of the disc is the same as in the case of the mark registered first above, and it is similarly placed on the funnel casing except that the top of the disc in this case is 14 feet from the top of the funnel.

Colored scale replica drawings of the funnel marks described above are on file with the Federal Register Division.[1]

The registrations of certain funnel marks in the name of the Chesapeake and Ohio Railway Company under dates of March 1, 1950 (T. D. 52422; 15 F. R. 1223), and December 11, 1951 (T. D. 52882; 16 F. R. 12622), are hereby cancelled. The registration of house flag for the Pere Marquette Railway Company of Ludington, Michigan, on August 6, 1940, by the Director of the Bureau of Marine Inspection and Navigation, Department of Commerce, published in the Bulletin of that Bureau for August 1940 is hereby rescinded in accordance with the application of the Chesapeake and Ohio Railway Company, successor in interest.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F. R. Doc. 52–7373; Filed, July 3, 1952; 8:48 a. m.]

[1] Filed as part of the original document.

[T. D. 53031]

CRESCENT TOWING & SALVAGE CO., INC.

REGISTRATION OF HOUSE FLAG

JUNE 27, 1952.

The Commissioner of Customs, by virtue of the authority vested in him by law and in accordance with § 3.81 (a), Customs Regulations of 1943 (19 CFR 3.81 (a)), has registered the house flag of the Crescent Towing & Salvage Company, Inc., a Louisiana corporation, described below:

The house flag is rectangular in shape. The hoist is 3 feet in height, the fly 5 feet. The field of the flag is light green. Superimposed on the light-green flag is a white crescent. The convex line of the crescent consists of an arc of 270 degrees of a circle having a radius of 9 inches, beginning at a point 9 inches directly above the center point of the flag and passing counterclockwise through three quadrants. The concave line of the crescent consists of an arc having a radius of 7½ inches, beginning and ending at the same points as those of the convex line.

A colored scale replica drawing of the house flag described above is on file with the Federal Register Division.[2]

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F. R. Doc. 52–7374; Filed, July 3, 1952; 8:48 a. m.]

[2] Filed as part of the original document.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Dist. No. 2, Amdt. 4]

[Dist. No. 4, Amdt. 1]

NEW MEXICO

MODIFICATION OF GRAZING DISTRICTS

JUNE 27, 1952.

Under and pursuant to the authority vested in the Secretary of the Interior by the act of June 28, 1934 (48 Stat. 1269; 43 U. S. C. 315 et seq.) as amended, known as the Taylor Grazing Act, and in accordance with Departmental Order No. 2583 of August 16, 1950, sec. 2.22, 15 F. R. 5643, the following-described lands are excluded from New Mexico Grazing District No. 4, as heretofore established and modified (Misc. 1597974) and added to New Mexico Grazing District No. 2, as heretofore established and modified (Misc. 1638236):

NEW MEXICO PRINCIPAL MERIDIAN

T. 1 S., R. 1 E., that portion south of the Sevilleta Grant;
Tps. 2 to 4 S., R. 1 E., those parts east of the Rio Grande;
T. 5 S., R. 1 E., that part east of the Rio Grande and north of the Bosque Del Apache Grant;
Tps. 6 to 8 S., R. 1 E., those parts east of the Bosque Del Apache Grant and the Pedro Armendaris Grant No. 33;
T. 9 S., R. 1 E.,
Secs. 1, 2, 3, 10, 11, 12, those parts secs. 4, 5, and 8 lying east of the Pedro Armendaris Grant No. 33;
Sec. 13, N½;
Sec. 14, N½;
Sec. 15, N½;
Sec. 16, N½, that part lying east of the Pedro Armendaris Grant No. 33;
T. 1 S., R. 2 E., that portion south of the Sevilleta Grant;
Tps. 2 to 4 S., R. 2 E.;
T. 5 S., R. 2 E., that part north and east of the Bosque Del Apache Grant;
Tps. 6 to 8 S., R. 2 E.,
T. 9 S., R. 2 E.,
Secs. 1 to 13, inclusive;
Sec. 14, N½, N½S½;
Sec. 15, N½, N½S½, S½SW¼;
Sec. 16;
Sec. 17, N½;
Sec. 18, N½;
Sec. 23, SE¼SE¼;
Secs. 24 and 25;
Sec. 26, E½E½, W½SE¼, SW¼SW¼;
Sec. 34, SE¼;
Sec. 35, NE¼, W½NW¼, SE¼NW¼; S½;
Sec. 36.
T. 10 S., R. 2 E.,
Secs. 1 and 2;
Sec. 3, E½, E½W½, NW¼NW¼, SW¼SW¼;
Sec. 4, NE¼NE¼, SE¼SE¼;
Secs. 10 and 11;
Sec. 12, W½;
Sec. 13, N½NW¼;
Sec. 14, N½N½;
Sec. 15, N½N½.
T. 1 S., R. 3 E., that part south of Sevilleta Grant.
Tps. 2 to 8 S., R. 3 E.
T. 9 S., R. 3 E.,
Secs. 1 to 33, inclusive;
T. 10 S., R. 3 E.,
Sec. 4;
Sec. 5, N½, N½S½;
Sec. 6, N½.
Tps. 1 to 6 S., R. 4 E.
T. 7 S., R. 4 E.,
Secs. 1 to 24, inclusive;
Sec. 25, N½N½, S½NW¼;
Sec. 26, NE¼, N½NW¼, SE¼NW¼, NE¼SW¼, N½SE¼;
Sec. 27, NE¼NE¼, W½NW¼;
Sec. 28, N½, NW¼SW¼;
Sec. 29, N½NW¼, N½SE¼, NE¼;
Sec. 30, N½, N½SW¼;
Secs. 31 and 32;
Sec. 33, W½NW¼, SW¼.
T. 8 S., R. 4 E.,
Sec. 2;
Sec. 3, S½NW¼, S½;
Sec. 4, N½NW¼, S½N½, S½;
Secs. 5 to 11, inclusive;
Sec. 12, W½NW¼, SW¼, S½SE¼;
Sec. 13 to 18, inclusive;
Sec. 19, N½, N½S½;
Secs. 20 and 21;
Sec. 22, W½, W½NE¼;
Sec. 24;
Sec. 31, SW¼.
T. 9 S., R. 4 E.,
Sec. 5, SW¼SW¼;
Sec. 6, W½NE¼, W½SE¼;
Sec. 7;
Sec. 8, W½, W½SE¼;
Sec. 16, W½SW¼;
Secs. 17 to 20, inclusive;
Sec. 21, W½, SE¼;
Sec. 27, W½NW¼, SW¼;
Secs. 28 to 30, inclusive;
Sec. 33, NE¼, N½NW¼, NW¼SE¼;
Sec. 34, NW¼.
T. 1 S., R. 5 E.,
Secs. 3 to 10, 15 to 23 and 26 to 35, inclusive.
T. 2 S., R. 5 E.,
Secs. 4 to 9, 16 to 21, and 28 to 33, inclusive.
Tps. 3 to 6 S., R. 5 E.,
T. 7 S., R. 5 E.,
Secs. 1 to 12, inclusive;
Sec. 13, N½, SW¼;
Secs. 14 to 24, inclusive;
Sec. 25, N½;
Sec. 26, N½;
Sec. 27, N½, N½S½;
Sec. 28, N½, N½S½;
Secs. 29 and 30.
T. 8 S., R. 5 E.,
Sec. 18, SW¼;
Sec. 19, W½;
Sec. 30, NW¼.
T. 3 S., R. 6 E.,
Secs. 4 to 9 and 15 to 36, inclusive.
T. 4 S., R. 6 E.,
Secs. 1 to 24 and 27 to 34, inclusive.
T. 5 S., R. 6 E.,
Sec. 1, S½;
Secs. 2 to 36, inclusive.
T. 6 S., R. 6 E.,
T. 7 S., R. 6 E.,
Sec. 1, N½, E½SE¼;
Secs. 2 to 6, inclusive;
Sec. 7, NE¼, W½;
Sec. 8, NE¼, E½NW¼, N½SE¼;
Sec. 9;
Sec. 10, N½, NW¼SW¼, S½S½;
Sec. 11, NW¼NW¼; SW¼SW¼;
Secs. 14 and 15;
Sec. 16, NW¼, E½;
Sec. 18, W½NW¼.
T. 5 S., R. 7 E.,
Sec. 7, W½NW¼, SW¼, S½SE¼;
Secs. 16 to 20, inclusive;
Sec. 21, NE¼, W½;
Sec. 28, W½;
Secs. 29 to 32, inclusive.
T. 6 S., R. 7 E.,
Sec. 4, W½;
Secs. 5 to 8, inclusive;
Sec. 9, W½, W½SE¼, SE¼SE¼;
Secs. 16 to 21 and 27 to 34, inclusive;
Sec. 35, W½NW¼, SW¼, W½SE¼, SE¼SE¼.
T. 7 S., R. 7 E.,
Secs. 2 to 6, inclusive;
Sec. 9, E½NE¼, NE¼SE¼;
Sec. 10, NW¼, NW¼SW¼.

The areas described including both public and non-public lands aggregate 915,854.54.

WILLIAM ZIMMERMAN, JR.,
Associate Director.

[F. R. Doc. 52-7345; Filed, July 3, 1952; 8:45 a. m.]

Bureau of Reclamation

[Commissioner's Order 12]

CHIEF, SUPPLY SERVICES BRANCH ET AL.

REDELEGATION OF AUTHORITY TO SELL, TRANSFER, AND OTHERWISE DISPOSE OF PERSONAL PROPERTY

JUNE 27, 1952.

Pursuant to the authority delegated by the Secretary of the Interior to bureau heads in Order No. 2642 (16 F. R. 6318), the Director of Supply, the Chief, Supply Field Division, Regional Directors and Regional Supply Officers, with respect to personal property under their jurisdictions, respectively, are hereby authorized to dispose of, by sale, transfer, donation, or otherwise, personal property excess to the needs of the Bureau of Reclamation, in accordance with the Federal Property and Administration Services Act of 1949, as amended, and regulations issued thereunder by the Administrator of General Services.

The authority conferred above, insofar as it relates to disposal by sale, may be exercised also by the Chief, Supply Services Branch, the Head, Procurement Section, Regional Procurement Officers, District Supply Officers, District Procurement Officers, Project Heads, Project Supply Officers, and Area Engineers, with respect to personal property under their jurisdictions, respectively.

This order supersedes Commissioner's Order No. 9 (17 F. R.1065).

G. W. LINEWEAVER,
Acting Commissioner.

[F. R. Doc. 52-7347; Filed, July 3, 1952; 8:45 a. m.]

Office of the Secretary

[Order No. 2695]

FINANCE OFFICER, NATIONAL PARK SERVICE

REDELEGATION OF AUTHORITY WITH RESPECT TO NEGOTIATION OF CONTRACT WITH MOTOROLA, INC.

1. The authority delegated to the Secretary of the Interior by the Administrator of General Services on June 4, 1952, to negotiate without advertising, a contract with Motorola, Incorporated, for the purchase of four 60-Watt FM Transmitter and Receiver, mobile units, complete with roof-type antennas, control heads, hang-up brackets, microphone and cables, for two-frequency operations; transmitters, 164.475 mc. and 164.725 mc.; receivers 164.725 mc. (Model FMTRU-140-DC2 (DW) (1a)), at a total cost of not in excess of $2,500, in accord with section 302 (c) (12) of the

Federal Property and Administrative Services Act of 1949, hereinafter called the act, is redelegated to the Finance Officer of the National Park Service.

2. This authority shall be exercised strictly in accordance with the act, particularly section 307 requiring written findings, the preservation of data, and report to the General Accounting Office.

3. This authority is redelegated to the Finance Officer of the National Park Service within the limitations of section 307 (b) of the act.

Issued this 27th day of June 1952.

R. D. SEARLES,
Under Secretary of the Interior.

[F. R. Doc. 52-7346; Filed, July 3, 1952; 8:45 a. m.]

ALASKA

NOTICE OF POSTPONEMENT OF HEARING IN CONNECTION WITH PROPOSED WITHDRAWAL FOR DEPARTMENT OF THE ARMY OF PUBLIC LANDS IN SUSITNA FLATS AREA NEAR ANCHORAGE

Notice is hereby given that the public hearing with respect to a proposed withdrawal for the Department of the Army which was scheduled to be held by Lowell M. Puckett, Regional Administrator, Bureau of Land Management, Department of the Interior, at 10:00 a. m. on July 1, 1952, at the American Legion Log Cabin located at the corner of G Street and Fifth Avenue, Anchorage, Alaska, by a notice dated June 17, 1952, published in the FEDERAL REGISTER of June 24, 1952 (17 F. R. 5677), is hereby postponed until 10:00 a. m. on Friday, August 1, 1952.

The hearing will be open to the attendance of all interested persons, including individuals, local officers, officers of Federal and Territorial agencies, and representatives of individuals or organizations.

All persons wishing to be heard with respect to the proposed withdrawal should notify Lowell M. Puckett, Regional Administrator, Bureau of Land Management, Federal Building, Anchorage, Alaska, before 10:00 o'clock a. m. August 1, 1952. Those desiring to submit written statements should submit them as soon as possible before the hearing.

OSCAR L. CHAPMAN,
Secretary of the Interior.

JUNE 27, 1952.

[F. R. Doc. 52-7344; Filed, July 3, 1952; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

FLUE-CURED TOBACCO MARKETING QUOTA REFERENDUM

The Secretary of Agriculture has duly proclaimed, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, a national marketing quota for flue-cured tobacco for the marketing year beginning July 1, 1953.[1] A referendum of farmers who were engaged in the production of the 1952 crop of flue-cured tobacco will be held pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, and applicable regulations, to determine whether such farmers are in favor of or opposed to such quota and to determine whether such farmers are in favor of or opposed to flue-cured tobacco marketing quotas for the 3-year period beginning July 1, 1953.

Registration. The operator on each farm on which flue-cured tobacco was produced in 1952 should inform a county or community committeeman of the names and addresses of all persons sharing in the proceeds of such crop in order that their names may be listed on the register of eligible voters. The eligibility to vote of any person may be challenged if his name is not recorded on the registration list.

Eligibility to vote. All persons engaged in the production of the 1952 crop of flue-cured tobacco are eligible to vote in the referendum. Any person who shares in the proceeds of the 1952 crop of flue-cured tobacco as owner (other than a landlord of a standing-rent or fixed-rent tenant), tenant, or share cropper, is considered as engaged in the production of such crop of tobacco in 1952.

2. If several members of the same family participate in the production of the 1952 crop of flue-cured tobacco on a farm, the only member or members of such family who shall be eligible to vote shall be the member or members of the family who have an independent bona fide status as operator, share tenant, or share cropper, and are entitled as such to share in the proceeds of the 1952 crop.

3. No person shall be eligible to vote in any community other than the community in which he resides except as follows:

(a) Any person who resides in a community in which there is no polling place shall be eligible to vote at the polling place designated for the community nearest to the community in which he was engaged in the production of flue-cured tobacco in 1952.

(b) Any person who does not reside in or who will not be present in the county in which he engaged in the production of flue-cured tobacco in 1952 may obtain a ballot at the most conveniently located county committee office and may cast his ballot by signing his name thereto and mailing it so that the ballot reaches the county committee for the county in which he engaged in the production of tobacco in 1952 not later than the closing hour on the date of the referendum.

4. There shall be no voting by mail (except as provided in paragraph 3 above), by proxy, or by agent, but a duly authorized officer of a corporation, association, or other legal entity or a duly authorized member of a partnership, may cast its vote.

5. Persons who planted tobacco in the field in 1952 but did not harvest any tobacco on such acreage for any reason except neglect to farm the planted acreage shall be regarded as engaged in the production of tobacco in 1952 and therefore eligible to vote in the referendum. Any farmer who did not plant tobacco in the field shall not be eligible to vote.

6. No person (whether an individual, partnership, corporation, association, or other legal entity) shall be entitled to more than one vote in the referendum even though he may have been engaged in the production of tobacco on several farms in the same or in two or more communities, counties, or States in 1952.

7. In the event two or more persons were engaged in producing tobacco in 1952 not as members of a partnership but as tenants in common or joint tenants or as owners of community property, each such person shall be eligible to vote.

8. The referendum will be held on Saturday, July 19, 1952. The place of voting and the hours which the polls will be open for voting in each community will be announced by the County PMA Committee.

Done at Washington, D. C., this 1st day of July 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-7381; Filed, July 3, 1952; 8:49 a. m.]

[1] See Title 7, Chapter VII, Part 725, *supra.*

FEDERAL POWER COMMISSION

[Docket No. G-1821]

COLORADO-WYOMING GAS CO.

NOTICE OF FINAL DECISION

JUNE 30, 1952.

Notice is hereby given that the Presiding Examiner's Decision, issuing a certificate of public convenience and necessity in the above-designated matter, was issued and served upon all parties on May 26, 1952. No exceptions thereto having been filed or review initiated by the Commission, in conformity with the Commission's rules of practice and procedure said decision became effective on June 26, 1952, as the final decision and order of the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-7348; Filed, July 3, 1952; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2890]

HEVI DUTY ELECTRIC CO.

ORDER PERMITTING ISSUANCE OF SIX-MONTH BANK LOAN NOTE

JUNE 30, 1952.

Hevi Duty Electric Company ("Hevi Duty"), a non-utility company which is a subsidiary of the North American Company, a registered holding company, has filed a declaration or application and an amendment thereto pursuant to sections 6 and 7 of the act with respect to the following proposed transaction:

The company is engaged in the business of manufacturing and selling electric furnaces and certain other electrical equipment. The increasing amount of the company's operations as a prime contractor or subcontractor on projects

related to the national defense effort has resulted in expanding the company's manufacturing and sales activities to the point where additional working funds are presently required. Accordingly, the company proposes to enter into an agreement with the Chemical Bank & Trust Company of New York for a bank loan of $300,000, such bank loan to be evidenced by an unsecured promissory note to extend for a period of six months with the privilege on the part of the company for renewal for an additional six months period, and to bear interest at the rate of 3 percent per annum. No fees, commissions or other remuneration are to be paid to any third person in connection with negotiating the proposed transaction.

The company states that no regulatory commission other than this Commission has jurisdiction over the proposed transaction and has requested that the Commission's order herein become effective upon issuance.

While the company apparently has submitted the above filing as a declaration pursuant to sections 6 (a) and 7 of the act, it appears that the filing should be treated as an application pursuant to section 6 (b) seeking an exemption from sections 6 (a) and 7 of the act.

Due notice having been given of the filing of the application, as amended, and a hearing not having been requested of or ordered by the Commission, and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said application, as amended, be granted:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application, as amended, be, and the same hereby is, granted forthwith, subject to the terms and conditions prescribed in Rule U-24 and to the further condition that the aforesaid note shall not be renewed except pursuant to further order of the Commission.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 52-7349; Filed, July 3, 1952; 8:46 a. m.]

UNITED STATES TARIFF COMMISSION

TUNA FISH

NOTICE OF INVESTIGATION

By direction of the Committee on Finance of the United States Senate on June 26, 1952, the United States Tariff Commission, on the 30th day of June 1952, instituted a general investigation under the provisions of section 332 of the Tariff Act of 1930, as amended, of the domestic tuna industry, including the effect of imports of fresh or frozen tuna fish on the livelihood of American fishermen.

The purpose of the investigation is to determine the facts relative to the production, trade, and consumption of tuna fish in the United States, taking into account all relevant factors affecting the domestic economy, including the interests of consumers, processors, and producers. Upon completion of the investigation the Commission will submit a report of the results thereof to the Senate Finance Committee. Such report will include a statement of findings as to the effect upon the competitive position of the domestic tuna fishing industry of the present duty-free entry of fresh and frozen tuna.

A public hearing at which all interested parties will be given opportunity to express their views will be held in connection with this investigation. The time and place of such hearing will be announced at a future date.

I hereby certify that the above investigation was instituted by the United States Tariff Commission on the 30th day of June 1952.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 52-7366; Filed, July 3, 1952; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 500A-297]

COPYRIGHTS OF CERTAIN GERMAN NATIONALS

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451, Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR 1945, Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the persons (including individuals, partnerships, associations, corporations or other business organizations) named in Column 4 of Exhibit A, set forth below and made a part hereof, and whose last known addresses are listed in said Exhibit A as being in a foreign country (Germany), on or since December 11, 1941, and prior to January 1, 1947, were residents of, or organized under the laws of, and had their principal places of business in, such foreign country and are, and prior to January 1, 1947, were, nationals thereof;

2. That all right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of the persons named in Column 4 of said Exhibit A, and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations), whether or not named elsewhere in this Order including said Exhibit A, who, on or since December 11, 1941, and prior to January 1, 1947, were citizens and residents of, or which on or since December 11, 1941, and prior to January 1, 1947, were organized under the laws of or had their principal places of business in, Germany, and are, and prior to January 1, 1947, were, nationals of such foreign country, in, to, and under the following:

a. The literary property in the works described in said Exhibit A,

b. Every copyright, claim of copyright and right to copyright in the works described in said Exhibit A and in every issue, edition, publication, republication, translation, arrangement, dramatization, and revision thereof, in whole or in part, of whatsoever kind or nature, and of all other works designated by the titles therein set forth, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number,

c. Every license, agreement, privilege, power, and right of whatsoever nature arising under or with respect to the foregoing,

d. All monies and amounts, and all rights to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the foregoing,

e. All rights of renewal, reversion, or revesting, if any, in the foregoing, and

f. All causes of action accrued or to accrue at law or in equity with respect to the foregoing, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefits of all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting the foregoing,

is and prior to January 1, 1947, was property of, and property payable or held with respect to copyrights or rights related thereto in which interests are and prior to January 1, 1947, were held by, and such property itself constitutes interests which are and prior to January 1, 1947, were held therein by, the aforesaid nationals of foreign countries.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 16, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

EXHIBIT A

Column 1 Copyright Nos.	Column 2 Titles of works	Column 3 Names of authors	Column 4 Names and last known addresses of owners
E Foreign 48865	Sag beim Abschied leise "Servus."	Harry Hilm and H. J. Lengsfelder.	Edition Meisel & Co. G. m. b. H. Berlin, Germany.
E Foreign 38123	Schon ist jeder Tag, Marie-Luise.	Willi Meisel	Do.

[F. R. Doc. 52-7362; Filed, July 8, 1952; 8:47 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 30, Section 3 (d), Special Order 1]

HUDSON MOTOR CAR CO.

APPROVAL OF LIST PRICE AND DISCOUNT STRUCTURES THAT WERE IN PROCESS OF REVISION ON JUNE 24, 1950

Statement of considerations. A schedule of suggested list prices and discounts for resellers of replacement parts manufactured by the Hudson Motor Car Company published October 1, 1950 is approved by this Special Order pursuant to section 3 (d) of Ceiling Price Regulation 30. Section 3 (d) of Ceiling Price Regulation 30 authorizes the Director of Price Stabilization to approve manufacturers revised published price lists if such lists were revised before June 24, 1950 and incidentally, in connection therewith, revised discount structures, provided the manufacturer actually issued and made effective these new published list prices and discount structures on or before January 24, 1951.

On the basis of the statements made in the application of the Hudson Motor Car Company and the facts submitted by it, it appears that the Hudson Motor Car Company was in the process of revising its published list price and discount structures for replacement parts prior to June 24, 1950 and that it issued and put these new published list price and discount structures into effect before January 25, 1951.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to section 3 (d) of Ceiling Price Regulation 30, this Special Order is hereby issued.

1. The revised published price list and discount structure for replacement parts published by the Hudson Motor Car Company, Detroit 14, Michigan on October 1, 1950 is hereby approved.

2. The Hudson Motor Company, Detroit 14, Michigan shall certify to its resellers of replacement parts who use such price list that its revised price list and discount structures published October 1, 1950 have been approved by the Director of Price Stabilization.

3. All provisions of Ceiling Price Regulation 30 not inconsistent with this order, remain in effect so far as the Hudson Motor Car Company, Detroit 14, Michigan is concerned.

4. This Special Order or any provision thereof, may be amended, modified or revoked by the Director of Price Stabilization at any time.

Effective date. This Special Order is effective June 30, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 30, 1952.

[F. R. Doc. 52-7320; Filed, June 30, 1952; 4:37 p. m.]

[Ceiling Price Regulation 67, Supplementary Regulation 2, Special Order 1]

FORD MOTOR CO.

MANUFACTURERS SUGGESTED RESALE PRICES

Statement of considerations. A schedule of suggested list prices and discounts for resellers of automotive parts and accessories manufactured by the Ford Motor Company is established by this Special Order pursuant to section 2 of Supplementary Regulation 2 of Ceiling Price Regulation 67. Supplementary Regulation 2 to Ceiling Price Regulation 67 authorizes the Director of Price Stabilization to approve manufacturers' new published price lists provided the manufacturers' net ceiling price per item will not be affected by the new price lists, and that the weighted average margins of resellers using the proposed price list will not exceed the weighted average margins of resellers using the price list in effect in the period April 1, 1950, to June 24, 1950.

On the basis of the statements made in the application of the Ford Motor Company and the facts submitted by it, it appears that the Ford Motor Company is proposing a change in its published price list for automotive parts and accessories, and that its own net ceiling price per item will not be affected by the change. It further appears that on the basis of resellers' volume of sales during the 1950 fiscal year and other data submitted by the Ford Motor Company, the weighted average margin of resellers using the proposed price list will be no greater than the weighted average margin of resellers using the price list in effect in the period April 1, 1950, to June 24, 1950.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to section 2 of Supplementary Regulation 2 to Ceiling Price Regulation 67, this Special Order is hereby issued.

1. The revised published price lists of the Ford Motor Company, Dearborn, Michigan, for its automotive parts and accessories as described in its application of June 4, 1952, are hereby approved.

2. Discount schedules for commodities subsequently added to the price lists shall follow the same pattern and incorporate the same general methods as those approved in paragraph 1 of this Special Order.

3. This Special Order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

Effective date. This Special Order is effective June 30, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 30, 1952.

[F. R. Doc. 52-7323; Filed, June 30, 1952; 4:38 p. m.]

[Ceiling Price Regulation 9, S. R. 3, Special Order 7, Amdt. 1]

GENERAL TIME CORP.

CEILING PRICES AT RETAIL AND WHOLESALE

Statement of considerations. Special Order 7 under SR 3 to CPR 9 established uniform prices for the sale of "Westclox" branded items in the Territory of Hawaii. The General Time Corporation now wishes to add another clock, the "Sphinx", to its line of Westclox timepieces. This amendment, therefore, incorporates the price list for that clock into the Special Order.

Amendatory provisions. Special Order 7 under SR 3 to CPR 9 is amended by changing paragraph number 1 to read as follows:

1. The ceiling prices for the sale by any retailer or wholesaler in the Territory of Hawaii of watches and clocks manufactured by Westclox, Division of General Time Corporation, LaSalle, Illinois, bearing the brand name "Westclox", are the retail and wholesale prices listed in the application of the General Time Corporation dated November 21, 1951, as amended by a supplementary application dated April 11, 1952, and as further amended by a supplementary application dated April 30, 1952, filed with Region XIV of the Office of Price Stabilization. A list of such ceiling prices will be filed by the Region XIV office of the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as possible. On and after the date of a receipt of a copy of this special order, with notice of prices annexed, but in no event later than May 15, 1952, or in the case of the supplementary application dated April 30, 1952, no later than July 7, 1952, no seller at retail or wholesale may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than ceiling prices.

Effective date. This Amendment 1 to Special Order 7 shall become effective on June 27, 1952.

EDWARD J. FRIEDLANDER,
Acting Regional Director.

JUNE 27, 1952.

[F. R. Doc. 52-7241; Filed, June 27, 1952; 2:42 p. m.]

[Ceiling Price Regulation 32, Supplementary Regulation 2, Section 3, Special Order 18]

PARIS FIELD, GREEN TOWNSHIP OF MECOSTA COUNTY, MICHIGAN

CRUDE PETROLEUM CEILING PRICES ADJUSTED ON AN IN-LINE BASIS

Statement of considerations. This special order adjusts the ceiling price for the purchase of crude petroleum produced from the Paris Field, Green Township of Mecosta County, Michigan.

The Office of Price Stabilization has been requested to eliminate the differentials heretofore imposed upon Traverse Type crude petroleum produced from the Paris Field, Green Township of Mecosta County, Michigan. During the base period there was a lack of competitive factors and as a result, the crude petroleum produced from this field was sold at a lower price than is being and has been paid for crude petroleum of comparable quality produced in this same general area. It appears that this condition has now been eliminated and these differentials should no longer be imposed.

From the information available to this office, it appears that the adjusted price will be in line with the ceiling price of comparable crude petroleum produced in this same area. This price is $2.80 per barrel.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to the provisions of section 3 of Supplementary Regulation 2 to Ceiling Price Regulation 32, *It is ordered:*

1. That the ceiling price at the lease receiving tank for Traverse Type crude petroleum produced from the Paris Field, Green Township of Mecosta County, Michigan shall be: $2.80 per barrel.

2. All provisions of Ceiling Price Regulation 32, except as inconsistent with the provisions of this order, shall remain in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified or revoked by the Director of Price Stabilization at any time.

Effective date. This special order shall become effective on June 30, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 30, 1952.

[F. R. Doc. 52-7321; Filed, June 30, 1952; 4:37 p. m.]

[Ceiling Price Regulation 34, Supplementary Regulation 16, Special Order 1]

GENERAL MOTORS CORP.

CEILING PRICES FOR WHOLESALE LABOR WARRANTY SERVICES FOR CERTAIN NEW PRODUCTS

Statement of considerations. This Special Order 1, isued upon application of General Motors Corporation, 3044 West Grand Boulevard, Detroit, Michigan, pursuant to section 3 of Supplementary Regulation 16 to Ceiling Price Regulation 34, establishes ceiling prices for wholesale labor warranty services rendered to General Motors Corporation, or to its authorized distributors or dealers, on Model CMO-1 Ice Cube Maker and Model FFOR-8-X Frozen Food Display Case, by dealers who have not sold the commodities to be serviced, or by central service firms.

Section 3 of Supplementary Regulation 16 to Ceiling Price Regulation 34 provides that a manufacturer who is offering for sale a new commodity, and who has customarily set or proposed uniform prices that have been adopted throughout the United States for wholesale labor warranty services sold by its dealers, or by central service firms, to it or its distributor organization, as an incident of the sale of commodities, may apply to the Office of Price Stabilization, Service Trades Branch, Washington 25, D. C., for a ceiling price for each new wholesale labor warranty service.

Model CMO-1 Ice Cube Maker and Model FFOR-8-X Frozen Food Display Case are new products manufactured by General Motors Corporation which has customarily set or proposed uniform prices that have been adopted throughout the United States for wholesale labor warranty services sold by its dealers or by central service firms to it, or its distributor organization, as an incident of the sale of such new commodities.

The contracts General Motors Corporation has with its authorized dealers require the dealers to provide labor warranty services to customers to whom they sell commodities, without any charge to anyone other than their mark-up on the commodity. If the dealer who sells the commodity, however, has no service department, or if one dealer sells in another dealer's service area, or if the customer moves from one service area to another, and in some other circumstances, the dealer who sells the commodity is not required to provide such warranty services, but he is required to pay a uniform price, set by General Motors Corporation to his distributor who in turn will pay that price to another dealer, or to a central service firm, to provide such labor warranty services. When the commodity to be serviced is located in the service area of a different distributor, the distributor whose dealer sold the commodity pays the price for the labor warranty service to General Motors Corporation which in turn pays it to the distributor in whose service area the commodity is located, who in turn pays it to a dealer or central service firm to provide labor warranty services.

The ceiling prices established by this Special Order are based upon anticipated direct labor and material costs of rendering the wholesale labor warranty service described above, and are in line with ceiling prices for comparable wholesale labor warranty services furnished to General Motors Corporation and to other manufacturers on similar commodities by their respective dealers or by central service firms.

This Special Order applies only to wholesale labor warranty services furnished to General Motors Corporation, or to its distributors or dealers, by dealers who have not sold the commodities to be furnished, or by central service firms.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to section 3 of Supplementary Regulation 16 to Ceiling Price Regulation 34, this Special Order is hereby issued.

1. The ceiling prices which General Motors Corporation, 3044 West Grand Boulevard, Detroit, Michigan, may pay for first-year wholesale labor warranty services, on the commodities listed below, to central service firms or dealers who have not sold the commodities, and which such central service firms or dealers may charge General Motors Corporation or its distributors or dealers for such services, are as follows:

Ceiling price for first-year wholesale labor warranty services

Commodity:	
Model CMO-1 Ice Cube Maker	$33.85
Model FFOR-8-X Frozen Food Display Case	17.75

2. Section 18 (c) of Ceiling Price Regulation 34 does not apply to services covered by this Special Order. All other provisions of Ceiling Price Regulation 34 except as changed by this Special Order remain in effect as to such services.

3. This Special Order, or any provision thereof, may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

Effective date. This Special Order 1 shall become effective June 30, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 30, 1952.

[F. R. Doc. 52-7322; Filed, June 30, 1952; 4:38 p. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27190]

COAL FROM LAKE SUPERIOR DOCKS IN WISCONSIN TO MINNESOTA

APPLICATION FOR RELIEF

JULY 1, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to schedules listed on attached.

Commodities involved: Coal, in carloads.

From: Lake Superior Docks in Wisconsin.

To: Points in Minnesota.

Grounds for relief: Competition with rail carriers, lake port competition.

Schedules filed containing proposed rates:

C. M. St. P. & P. Ry. ICC No. B-7186, supl. 62.

C. M. St. P & P Ry. ICC No. B-7287, supl. 133.

C. St. P. M. & O. Ry. ICC No. 4849, supl. 75.

G. N. Ry. ICC No. A-7889, supl. 76.

G. N. Ry. ICC No. A-7891, supl. 69.

M. St. P. & SS M. Ry. ICC No. 7035, supl. 61.

N. P. Ry. ICC No. 9540, supl. 66.

Any interested person desiring the Commission to hold a hearing upon such

application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7350; Filed, July 3, 1952; 8:46 a. m.]

[4th Sec. Application 27192]

CRUDE OIL FROM WATFORD CITY, N. DAK., TO POINTS IN MINNESOTA AND SUPERIOR, WIS.

APPLICATION FOR RELIEF

JULY 1, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Great Northern Railway Company.

Commodities involved: Crude oil in its natural state, or crude petroleum oil which has been subject to natural weathering etc., in tankcar loads.

From: Watford City, N. Dak.

To: St. Paul, Minn., Minnesota Transfer and Duluth, Minn., and Superior, Wis.

Grounds for relief: Competition with rail carriers, competition with motor carriers, market competition.

Schedules filed containing proposed rates: Great Northern Railway ICC No. A-8163, sup. 59.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7352; Filed, July 3, 1952; 8:46 a. m.]

[4th sec. Application 27191]

THREAD FROM OTTLEY, GA., TO SKOKIE, ILL.

APPLICATION FOR RELIEF

JULY 1, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent C. A. Spaninger's tariff ICC No. 899, pursuant to fourth section order No. 16101.

Commodities involved: Thread, crochet, darning, embroidery, or knitting, cotton, carloads.

From: Ottley, Ga.

To: Skokie, Ill.

Grounds for relief: Circuitous routes, operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7351; Filed, July 3, 1952; 8:46 a. m.]

[4th Sec. Application 27193]

FENCE POSTS FROM ARKANSAS AND OKLAHOMA TO IOWA

APPLICATION FOR RELIEF

JULY 1, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff ICC No. 3954.

Commodities involved: Fence posts, wooden, carloads.

From: Points in Arkansas and Oklahoma.

To: Points in Iowa.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, ICC No. 3954, sup. 26.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7353; Filed, July 3, 1952; 8:46 a. m.]

[4th Sec. Application 27194]

PAPER AND PAPER ARTICLES FROM POINTS IN KANSAS AND MISSOURI TO LOWER MISSISSIPPI RIVER CROSSINGS

APPLICATION FOR RELIEF

JULY 1, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff ICC No. A-3831.

Commodities involved: Paper and paper articles, less-than-carloads.

From: Atchison and Leavenworth, Kans., Kansas City, Mo.-Kans., and St. Joseph, Mo.

To: Vicksburg and Natchez, Miss., Baton Rouge and New Orleans, La., and Helena, Ark.

Grounds for relief: Competition with rail carriers, competition with motor carriers.

Schedules filed containing proposed rates: L. E. Kipp, Agent, ICC No. A-3831, sup. 23.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7354; Filed, July 3, 1952; 8:46 a. m.]